



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

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February 28, 2007

Subject: SYNON, JOHN J

FOIPA No. 1064440- 000

Dear Requester:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

- ☐ (b)(1)
- ☐ (b)(2)
- ☐ (b)(3) _____
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- ☐ (b)(4)
- ☐ (b)(5)
- ☒ (b)(6)

- ☐ (b)(7)(A)
- ☐ (b)(7)(B)
- ☒ (b)(7)(C)
- ☐ (b)(7)(D)
- ☐ (b)(7)(E)
- ☐ (b)(7)(F)
- ☐ (b)(8)
- ☐ (b)(9)

Section 552a

- ☐ (d)(5)
- ☐ (j)(2)
- ☐ (k)(1)
- ☐ (k)(2)
- ☐ (k)(3)
- ☐ (k)(4)
- ☐ (k)(5)
- ☐ (k)(6)
- ☐ (k)(7)

94 page(s) were reviewed and 94 page(s) are being released.

- ☐ Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
 - ☐ referred to the OGA for review and direct response to you.
 - ☐ referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

☒ You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information and Privacy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001 within sixty days from the date of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.

☐ The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s).

CO-ORDINATING COMMITTEE FOR FUNDAMENTAL
AMERICAN FREEDOMS
Suite 520, 301 First Street, N. E.
Washington, D. C.

A loose-knit, small group of prominent citizens seeking to defeat the proposed civil rights legislation by distributing printed material in key states and pressuring Congress from headquarters in the Carroll Arms Hotel, across from the Senate Office Building. It was incorporated in Delaware, Sept. 25, 1963.

Origin

Beginning August 1, 1963, Washington newspapers started reporting the arrival of an organized move against President Kennedy's civil rights program, then pending before Congress. On that date, the Washington Daily News named John J. Synon as operator of a Coordinating Committee for Fundamental American Freedoms, and quoted him as saying: "We are being supported primarily by the various sovereignty commissions of the Southern states." The objective was stated by Synon to be "to defeat the Civil Rights act of 1963 or as I choose to call it, the force bill."

Two days later, the Washington Post reported that "a leading segregationist lawyer is quietly seeking to enlist powerful Washington lobbyists in a Southern campaign to defeat President Kennedy's civil rights program." The lawyer was identified as John Satterfield of Yazoo City, Mississippi, and his technique was identified as inviting the lobbyists to an "off-the-record" breakfast meeting in the Statler Hilton Hotel. The invitations were sent to registered Washington lobbyists from Satterfield's law office in Jackson, Miss., in a letter declaring that the bill, if enacted, "will have a greater adverse effect on business and industry than any legislation ever offered in the history of our Nation." (Washington Post 8/3/63)

The technique was quite complete. Lobbyists who did not attend the breakfast were sent a follow-up letter signed by Satterfield, using the new Washington address, enclosing brochures and inviting inquiries for more information about "the other side."

More knowledgeable reports of the new drive had appeared a little earlier in the South. For instance, an article in the July 25 Summit Sun, a far-right newspaper published by Mary D. Cain in Summit, Miss., reported Governor Ross Barnett as saying that the Mississippi State Sovereignty Commission, of which he was ex-officio Chairman, was cooperating "to the fullest" in a nationwide program opposing President Kennedy's civil rights proposals. John Satterfield was identified as attorney for the commission and quoted as saying that numerous states were cooperating from a Washington office as "the greatest unified project ever undertaken in the South."

Gov. Barnett, who earlier had resisted Federal desegregation of Mississippi University, was represented as saying that Satterfield's plans were approved by the Commission, which the Sun described as "the state's official segregation watchdog." (Financial support from the Commission is documented below.) Gov. Barnett was also reported as saying that Earle Johnston, Jr., Chairman of the Commission, and Satterfield had traveled twice to Washington to arrange meetings.

Sec 1 - ORG
12/9/63

Note: The Mississippi State Sovereignty Commission, and corresponding agencies in several other states, have supported the work of White Citizen's Councils, action groups formed after the 1954 Supreme Court decision ordering desegregation of public schools. Until recently, the Mississippi legislature even appropriated money for the Citizen's Council of its State.

Officers

Beginning in August of 1963, the organization has listed the following as its only officers:

John C. Satterfield, Secretary-Treasurer. Advisor to Mississippi Governor Ross Barnett and one of the attorneys appearing on behalf of the State of Mississippi in the suit charging Barnett with criminal contempt of Federal court orders against interfering with desegregation of the University of Mississippi. (Washington Post, 11/25/62 and N. Y. Times, 9/29/63) President 1961-62, American Bar Association. In his address as retiring President, Satterfield attacked the post-1937 U. S. Supreme Court (Washington Post 8/3/63), and he was active at the 1963 meeting in opposition to the Kennedy civil rights program (N. Y. Times 8/12/63). Former president, Circuit Riders, Inc. (8/1/52 letterhead), an organization opposing the propagation of "Socialism and Communism and all other anti-American teachings in The Methodist Church." (Sec 1-ORG)

John J. Synon, Director. Formerly Vice President of Salvage and Lee, the public relations firm which has represented the government of Portugal; assistant director of Americans for Constitutional Action; California Industrial Accident Commissioner; public member of the California Board of Control; and executive secretary to former Governor Goodwin J. Knight. A former congressional candidate, he has written for both Christian Economics and Human Events, and recently authored the tract "Why Rockefeller Can't Win" which is being distributed by the Patrick Henry Group, Richmond. (Program, Human Events 4th Political Action conference; Americans for Constitutional Action "Report to Stockholders;" Washington Daily News, 8/1/63; and undated brochure from Patrick Henry Group). A John Synon of Virginia was listed as speaking at a June, 1963, banquet sponsored by the Committee to Help Elect the Next President of the United States, a group promoting independent electors. (Jackson, Miss. Daily News 6/18/63)

William Doeb, Chairman. Publisher of the Manchester, N. H. Union-Leader and several other newspapers; National Committee, Citizens Foreign Aid Committee (11/25/63 letterhead); National Policy Committee, For America (Sept. 1957 brochure); National Advisory Board, Young Americans for Freedom (2/63 letterhead); Sponsor, American Committee for Aid to Katanga Freedom Fighters (1/11/63 letterhead); Member, American Afro-Asian Educational Exchange, Inc. (6/12/63 letterhead); Board of Directors, Citizens' Foreign Relations Committee (2/11/57 letterhead); Committee of One Million Against the Admission of Communist China to the United Nations (9/27/63 letterhead); and Member, Committee on Electoral College Reform of the American

Good Government Society (3/9/63 letterhead). Loeb has also served as a director and was President from 1941-1943 of the American China Policy Association (Who's Who, 1962-63), which was one of the organizational bulwarks of the so-called China lobby.

James Jackson Kilpatrick, Vice Chairman, Editor, Richmond News Leader, and credited by Time magazine (10/26/63) with running an editorial campaign "that, in large measure, polarized Southern resistance to school integration." Vice-Chairman of the Virginia Commission on Constitutional Government and Chairman of its Committee on Publications (9/63 letterhead; this is an official agency of the state). Author, Our Sovereign States and The Southern Case for School Segregation, Editorial Advisor, Modern Age, (masthead, Spring, 1962) and contributor to National Review (masthead, 11/19/63). Among his views: "The Negro is fundamentally and perhaps unalterably inferior; he is also immoral, indolent, inept, incapable of learning, and uninterested in full racial equality. The segregationist South feels no guilt about keeping the Negro in his proper place--that is to say, in separate schools" (Time, op. cit.)

Note: Both Loeb and Kilpatrick testified before the Senate Committee on Commerce in opposition to the public accommodations features of pending civil rights legislation a few days before their new co-ordinating committee was made public -- and without referring to it. Also, Satterfield filed a statement in opposition, representing himself. (Part 1 of Hearings on S. 1732, July-August 1963, indexed)

Operations

Pamphlets: The first pamphlet published by the Committee is called "S-1731: The Federal Eye Looking Down Your Throat" and argues that the alleged controls in proposed legislation will affect nearly everyone in the country. This was later printed in color, with a cover showing two sinister eyes glaring at the reader from under an "Uncle Sam" hat. The most recent version depicts a heavy chain running down each slender page.

"Blueprint for Total Federal Regimentation" is another pamphlet widely distributed with the group's imprint on the back. Subtitled "Analysis of Civil Rights Act 1963," it is written by Loyd Wright and John C. Satterfield, both of whom are identified with respective legal firms and as members of the American Bar Association. Wright was ABA President six years before Satterfield and ran unsuccessfully against Senator Thomas Kuchel in the 1962 California Republican primary as a conservative. Wright is also head of the National Strategy Committee of the American Security Council (Sec. 4, Special Report #1), a Trustee of Americans for Constitutional Action (Sec. 4, Special Report #9), and a board member of the Americanism Educational League (letterhead 7/62).

The Wright-Satterfield pamphlet begins with this note: "Although many of the major features of 'The Civil Rights Act of 1963' are unconstitutional on their face, this review is limited to a discussion thereof as if the proposals were constitutional and became law." Distribution of the pamphlet, with a covering letter personally addressed, has included members of Congress, labor leaders and other opinion molders. An article by

Satterfield and Wright covering much the same arguments was published by Human Events (10/12/63) with pictures of both men and a box urging readers to write to Congress opposing the bills.

Similarly, James J. Kilpatrick has mailed many copies of a 24-page pamphlet, "Civil Rights and Legal Wrongs," published by the Virginia Commission on Constitutional Government, in opposition to the legislation. Kilpatrick signs a covering letter as Chairman of the Commission's Committee on Publications and uses Commonwealth of Virginia letterheads. An accompanying brochure explains that "The Commission's work is financed through a State appropriation of \$125,000 a year." A Kilpatrick letter dated September, 1963, and received in Wyoming includes this explanation:

You got on this mailing list because we went to a fellow in Washington who is in the mailing list business, and from him we got the names of all the lawyers, doctors, dentists, optometrists, hospital administrators, state and local officials, and school superintendents in Wyoming. We would have bought a list of the school teachers too, but it cost too much money. All we want is to talk with you a few minutes about the pending civil rights bill.

The same pamphlet has been offered as a bonus by Liberty Lobby, a far-right Washington operation, and appeared in article form over Kilpatrick's name in National Review magazine (9/24/63).

Advertisements: In late November, display ads began appearing under the banner of "Civil Rights & Legal Wrongs" in weekly newspapers around Wyoming, Montana and Idaho. Measuring nearly a foot wide and as tall as a newspaper page, the ads appealed to employers, employees, professional and businessmen, school personnel, unions and "everyone" to write Congress in opposition to the civil rights bill. The ads were sponsored by the Coordinating Committee for Fundamental American Freedoms and signed by Loeb and Synon.

A different format and a different message appeared as an ad in the Summit, Miss., Sun (9/26/63) with a local angle: "Contact The County Farm Bureau Office For Information And Make A Donation, Large Or Small, To The Committee."

Articles: In mid-November, articles by John C. Satterfield started appearing in country newspapers linking the proposed civil rights bill with Federal control of agriculture. For example, the St. Joseph County Observer (11/13/63), published at Centreville, Michigan, carried an article headlined "From Crop Control To People Control." Satterfield was identified only as "Past Pres, American Bar Assn." Another paper, the Lawton (Mich.) Leader of Nov. 14 identified Satterfield with Fundamental American Freedoms in carrying the same article.

Income

The organization filed its first report with the Clerk of the U. S. House of Representatives, as lobbying groups are required to do, in a letter dated October 9 and covering the 3rd quarter of 1963.

On the income side, the report disclosed that \$20,000 out

of a total of \$22,000 spent through Sept. 30 was received from the Mississippi State Sovereignty Commission. Incidentally, Satterfield's personal filing as a lobbyist listed both the Commission and the Co-ordinating Committee as employer, although it did not say which paid how much of the \$6,000 he received for services, plus \$1,500 for expenses.

The other receipts came from Bruce Dunston, identified by the New York Times (11/4/63) as "a Richmond real estate owner and philanthropist," and Landon Lane, of Alta Vista, Va., identified by the Times as "vice president of the Lane Company, which makes cedar chests." Each contributed \$1,000.

On the expenditure side, Synon was paid at the rate of \$519.23 per week, plus travel, food and lodging and the usual printing, postage, secretarial and other office expenses were listed. In addition, the following items were of significance in the total expenditure of \$23,413.71 during the quarter:

\$114.64 to Mrs. Ray L. Erb, Washington, D. C., "travel-committee meetings." Mrs. Erb is a former National Defense Chairman of the Daughters of the American Revolution (Martha Strayer: The DAR; Washington, Public Affairs Press, p. 259); on the Advisory Board of Billy James Hargis's Christian Crusade (brochure, 1961); and is Editor of Report to America, organ of The American Coalition of Patriotic Societies, a far-right Washington group.

\$45.00 to V. C. Mathews, Senate Office Building, Washington, D. C. -- "Clerical help -- Mailing circulars." The Senate telephone directory lists a Vivian C. Mathews as an employee of the Senate Internal Security Subcommittee.

\$525.00 to U. S. Press Association, McLean, Va. -- "Printing and mailing circular." This enterprise recently figured in hearings conducted by the Senate Foreign Relations Committee into the use of news media in this country by agents of foreign countries. It specializes in sending prepared editorials to lists of newspaper editors for paying clients. (See Part 6 of Hearings, June 14, 1963)

\$1,453.77 to Patricia G. Lutz, Washington, D. C. -- "Salary - Secretary at \$161.53 per week." Mrs. Lutz has been associated many years with Human Events, having been shown as Business Manager of that publication in its Oct. 1, 1958, postal statement, for example.

\$300.00 to Liberty Lobby, Washington, D. C. -- mailing pamphlet. This is a small but active, far-right group started in 1955. It keeps up a running flow of pamphlets and testimony on many issues, and its officers include extremists such as John Birch Society leaders. (See Sec. 1 - ORG)

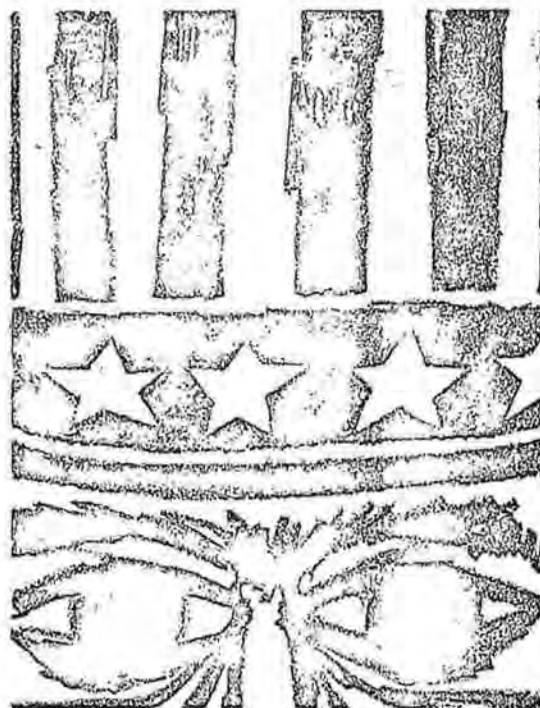
\$250.00 to William Schulz, c/o Fulton Lewis, Jr., for "Research Service for Pamphlets." Schulz is an assistant to radio commentator Lewis (New York Times 11/4/63); is a Director of Young Americans for Freedom (11/62 New Guard); and has written for Human Events (e.g. 10/13/61 masthead).

\$300.00 to Horace Clay, Suite 312 Carroll Arms Hotel -- "Research service for pamphlets." Clay was a

legislative assistant to Senator John Tower (R-Texas) until Sept. 30 (N. Y. Times 11/4/63)

\$2,200 to Herbert Liebensson, of Silver Spring, Md. -- "Research service for pamphlets." This is apparently the man who is listed as Research Director of the National Small Business Association, in that organization's magazine, Small Business Bulletin, Legislative Edition 1962.

In addition, the New York Times (11/4/63) stated that "the Committee also hired a Washington lawyer, George Stephen Leonard, at a reported fee of \$750 a month."



THE FEDERAL
EYES LOOKING
DOWN YOUR
THROAT!

S-1731 [XXXXXXXX] HR7152

THE CO-ORDINATING COMMITTEE FOR
FUNDAMENTAL AMERICAN FREEDOMS
SUITE 520 • 301 FIRST STREET, N.E. • WASHINGTON, D. C.

(Group Research, Inc.)

Rec'd from
CCE 12/13/63
WOB

December 10, 1963

M E M O R A N D U M

SUBJECT: Attack by "The Co-Ordinating Committee for Fundamental American Freedom" upon the Civil Rights Bill currently before the Congress

This memorandum was prepared for Commission, staff and state advisory committee member use in response to many recent inquiries from committee members and Members of Congress.

A large advertisement attacking an early version of the Civil Rights program submitted by President Kennedy has been run by an organization called The Co-Ordinating Committee for Fundamental American Freedom in many parts of the country.

By omissions and distortions the advertisement misinterpreted the content of the legislation. Moreover, the ad was prepared before the House Judiciary Committee reported its bill to the House of Representatives. The bill now before Congress is a major revision of the version criticized by the advertisement and many of the provisions which gave rise to the Committee's attack have been deleted. The amendments adopted by the House Judiciary Committee are referred to only once in the ad: "The so-called 'softening amendments' proposed by Attorney General Kennedy do not actually change the effects of the bill." Despite this claim, most of the statements made by the Committee for Fundamental American Freedom are not even relevant to the bill now pending in the House of Representatives.

In this memorandum we summarize the main provisions of the Civil Rights Bill now pending in the House of Representatives and discuss the main allegations of the Committee of Fundamental American Freedom.

62-109151-1

TITLE I - VOTING

The 1957 and 1960 Civil Rights Act sought to guarantee to all citizens the right to vote without discrimination as to race or color and authorized the Attorney General to commence court action to prevent persons from interfering with the right to vote. However, the Commission on Civil Rights found in 1963 that there are still at least 100 counties in 7 States where qualified Negro citizens are denied the right to vote by being forced to meet standards not applied to white citizens. Title I is intended to cope with problems encountered in the implementation of these earlier Civil Rights Acts.

With respect to elections held for the purpose of electing Federal officials, the bill would:

- a. prohibit the imposition of different standards for Negroes and whites seeking to register and vote,
- b. prohibit the denial of the right to vote because of immaterial errors or omissions,
- c. require that any literacy test employed as a qualification for voting be administered in writing and a copy of any individual's test be available on request,
- d. establish a rebuttable presumption that any person who has completed the 6th grade is literate.

With respect to any voting proceeding commenced by the Government, the Attorney General may request the appointment of a three-judge court to hear the case initially. Appeals would be taken to the U.S. Supreme Court.

The advertisement alleges that the Attorney General could commence a court action, and then register voters and have their ballots counted at the next election even if the court action were later found to be invalid.

The civil rights bill does not give the Attorney General such powers. The provision which gave rise to this attack was deleted from an earlier version of the bill.

TITLE II - DISCRIMINATION IN PLACES OF
PUBLIC ACCOMMODATIONS

Discrimination would be prohibited in specific places of public accommodation whose operation affects interstate commerce or whose practices of discrimination are supported by State action. An example of the latter would be State or local laws requiring proprietors to exclude or segregate Negro customers. The public accommodations covered include hotels and motels, restaurants, lunch counters, gasoline stations, theaters and stadiums or other facilities which are part of an establishment covered by the bill.

The provision would be enforced by civil actions brought by the persons discriminated against or by the Attorney General. The Attorney General could use Federal, State or local public agencies to secure voluntary compliance before beginning the court proceeding.

The advertisement alleges that any business and professional man who is licensed by a State or city would be considered a place of public accommodation and subject to the Act. It also alleges that any business offering goods or services to the public would be covered.

The civil rights bill would not make persons or businesses licensed by a State or city subject to the Act by virtue of their license. Nor are all businesses offering goods and services to the public covered. Only those establishments specifically listed in the bill or physically part of a listed establishment would be subject to the Act. (The bill would not prohibit racial discrimination in barber shops, beauty parlors and many other service establishments, retail stores, bowling alleys and other places of recreation unless such places serve food. It would not cover hotels or lodging houses which have less than six rooms for rent in a building occupied by the proprietor.)

Merely operating under a State regulation would not make an establishment subject to the Act. The advertisement again apparently is referring to an earlier version of the bill.

The advertisement suggests that the public accommodation bill would be a vast extension of Federal control and that it is unconstitutional. However, businesses open to the public are already subject to many Federal, State and local regulations (e.g., anti-trust laws, zoning ordinances, health and sanitation standards) designed to protect the public and business itself. The proposed legislation prohibiting racial discrimination by certain businesses serving the public is similar to statutes already in existence in 30 States. These statutes have been held constitutional.

TITLE III - PUBLIC FACILITIES

The Attorney General is authorized to institute civil actions against any publicly owned or operated facility (such as a State owned park) whenever he receives a complaint of discrimination. Such facilities are required by the Constitution not to engage in racial discrimination, but many still do discriminate.

He is also authorized to intervene in any action seeking relief from the denial of equal protection of the laws on account of race, color, religion or national origin.

The advertisement does not specifically comment on this Title of the bill.

TITLE IV - PUBLIC EDUCATION

The U.S. Office of Education is directed to conduct a survey on the availability of equal educational opportunity. It is authorized to render technical assistance to school districts in the implementation of desegregation plans, to arrange training institutes for school personnel and to make grants to school boards to employ specialists for in-service training. These plans have been required by law since 1954 when the Supreme Court ruled that enforced

racial segregation in public schools violates the Constitution. This provision is intended to assist school boards which wish to comply with their constitutional obligations.

The Attorney General is authorized to institute civil actions upon receipt of complaints alleging the continuance of school segregation.

The advertisement alleges that the U.S. Commissioner of Education "could influence the transfer of children from one school to another . . . until racial balance exists." It quotes the bill as referring to "racial imbalance."

The civil rights bill gives no authority to the Commissioner of Education to require or influence the transfer of children. The bill now before the House makes no mention of "racial imbalance."

TITLE V - COMMISSION ON CIVIL RIGHTS

The Commission on Civil Rights is made a permanent agency and in addition to its present functions of investigating denials of the right to vote and infringements of equal protection guarantees, and appraising Federal policies, the Commission is directed to serve as a national clearinghouse for civil rights information and to investigate general allegations of voting frauds not related to racial discrimination.

The advertisement does not comment on this Title of the bill.

TITLE VI - FEDERALLY ASSISTED PROGRAMS

Each Federal agency which administers a program of financial assistance by grants, loans or contracts is directed to require the elimination of discrimination under the program.

Action of a Federal agency effectuating this requirement might include the termination of or refusal to grant assistance. If such action were taken, it would be subject to review by the courts.

The advertisement attacks this provision as an extension of Federal control beyond that presently exercised as part of the normal supervision of Federal expenditures.

The Supreme Court has ruled that the Constitution prohibits the Federal Government or its instrumentalities from discriminating because of race. Other Federal courts have ruled that private or public agencies receiving Federal financial assistance cannot deny the benefits of the program to persons because of their race. Title VI of the civil rights bill simply states these rulings as a principle supported by Congress. It says in effect that when Federal tax monies are collected from all citizens regardless of color the benefits flowing from Federal expenditures of these monies should be available to all citizens regardless of color. For example, this Title would

require:

Hospitals constructed with Federal funds to serve all patients without regard to race, color or national origin;

State employment agencies entirely financed by Federal funds to refer qualified job applicants to employment opportunities without discrimination;

Elementary and secondary schools constructed and maintained by Federal funds to admit children without regard to race, color or national origin;

Colleges and universities receiving Federal funds for the construction and operation of research centers to admit students without discrimination.

The advertisement says this bill will apply to farmers and to homeowners, implying that they will be "subject to Federal Control." Actually, the bill simply means that when Federal money is made available to help farmers it must be available to Negro farmers as well as white farmers without racial discrimination. It means that when the Federal Government makes funds or credit available to builders or banks for the construction of homes, the homes must be offered to all persons eligible to buy them without regard to race.

TITLE VII - EQUAL EMPLOYMENT OPPORTUNITY

An Equal Employment Opportunity Commission would be created to receive or initiate complaints alleging discrimination by employers in industries affecting interstate commerce with 25 or more employees or by labor unions or employment agencies whose activities affect interstate commerce. The Commission would seek to eliminate any discriminatory practices found by conciliation and persuasion and would bring civil actions in which the courts would examine the facts. If this court finds racial or religious discrimination, it would order the discriminating employer or union to hire on the basis of merit rather than race or religion.

Also, the President would receive congressional backing for the program he is now carrying out to insure equal employment opportunities for employees of the Federal Government and of Government contractors.

The advertisement alleges that employees could be told by Federal officials "whom they shall hire, fire, promote and demote, and how they shall handle their employees." It also alleges that employers could be required to maintain a work force which is balanced along racial or religious lines, and that the rights of employees within their company could be destroyed.

The civil rights bill does not give the Federal Government these powers. It only requires that employers, labor unions and employment agencies treat all persons on the basis of their merit and ability and without regard to

their race, color, religion or national origin. Employers subject to the bill are free to hire, promote or fire anyone they want provided their action is not based on the person's race, color, religion or national origin. And, under the bill, it would be as unlawful for an employer to discriminate against a white applicant because of race as it would be if he discriminated against a Negro.

TITLE VIII - VOTING STATISTICS

The Secretary of Commerce is directed to conduct a survey of persons of voting age by race, color and national origin and to determine the extent to which such persons have registered and have voted.

The advertisement did not comment on this Title of the bill.

TITLE IX - REMOVAL IN CIVIL RIGHTS CASES

The order of a Federal court sending a civil rights case back to a State court shall be reviewable by appeal.

The advertisement did not comment on this Title of the bill.

CONCLUSION

The civil rights bill pending before the House would not, as the advertisement alleges, deprive people of their personal liberties. It would prevent discrimination because of race, religion or national origin. And it would not even prevent all forms of discrimination. It prohibits discrimination by government officials in education and voting; discrimination by large employers and unions in their hiring practices; discrimination by business establishments which operate in interstate commerce and are open to the general public; and discrimination by institutions such as universities and hospitals which give service provided by Federal funds. The bill would certainly not prohibit a homeowner from deciding whom he wants to invite to his house, or a private club from restricting its membership on the basis of race.

Contrary to the advertisement's allegations, the bill does not deny anyone's constitutional rights. In fact, its major provisions are designed to secure rights which are guaranteed by the Constitution but which have been denied some citizens. The constitutionality of the major provisions of this legislation is supported by bar associations, eminent lawyers and law teachers throughout the Nation.

Prepared by the staff,
U.S. Commission on Civil Rights
Washington, D.C. 20425

Federal Control Of Farmers Seen In President's Civil Rights Bill

By John C. Satterfield
Past President, American Bar Association

Last spring the American wheat farmer thought that he had made his point in rejecting Federal control. But farmers who fought the battle against further Federal management of their farms are discovering that President Kennedy's civil rights bill brings even sharper Federal regimentation to the farm.

Instead of crop control, the President is proposing people control.

If the present civil rights bill is passed, the farmer will find a whole new crew of Federal agents watching his farm. Each individual farmer will be told whom to fire and hire, promote and demote. No farmer will be able to make his own free decisions about which tenants to put on his property and which to put off.

No farmer will be free to decide which man can be trusted with expensive tractors and equipment. He cannot freely choose the men who will gather his wheat and dust his cotton. And if he gets fed up with it all, he can't even sell out unless his buyers are acceptable to the Federal government.

Instead, in all of these decisions, the farmer will be bound by the whim of a Civil Rights Commission appointed by President Kennedy or by the authority to withhold Federal funds granted in the bill. The proposed law directs the Commission to hire as many agents as are necessary to do its work. The agents will have the power to examine any farmer's records and books. It will study all of his transactions and the day-to-day affairs of the farm.

'Imbalance' Undefined

The Commission and its agents (or the President's present committee with the authority granted in Title VI of the Bill) will then say whether it finds "imbalance" as to race, creed, color, or national origin in the conduct of the farmer's business. However, this word "imbalance" is nowhere defined in the President's bill. The definition can be made up by the Commission or Committee as it goes along.

These examples sound far-fetched only to those who have not studied the bill. There is only one limitation to the powers which can be given to the Commission. The President can grant it only "such powers as he deems appropriate."

If the civil rights bill is passed, the farmer has only one hope of escaping Federal regimentation. Any farmer is included in the controls if he is a Federal contractor, directly or indirectly. He can escape only if he does not receive the benefits of any Federal assistance program.

Even so, the Federal government has enmeshed itself so deeply in the economy that nearly everyone can be considered a Federal con-

tractor under the proposed law. And all Federal contractors can have their benefits cut off if they do not accept the verdict of the appointed Civil Rights Commission.

In short, any farmer who does not submit can be quickly strangled. His crop subsidies could be cut off. Payments from the Federal Land Banks could be stopped and he could be denied help from the Agricultural Marketing Service.

Trap Set

The farmer would be trapped if he depends in any degree on benefits from the Farm Credit Administration, the Commodity Credit Corporation, the Soil Conservation Service, the Federal Crop Insurance Corporation, the Farmers Home Administration, or the Forestry Service.

Worse than all of this, many innocent people would suffer. The farmer's bank must call in his loans or withdraw from the Federal Reserve System. No depositor in any bank where he has a savings account would be protected by the Federal Deposit Insurance Corporation.

The farmer's cooperative would have its low-interest loans recalled by the Bank for Cooperatives. The Rural Electrification Administration would not be allowed to continue to aid his power co-op. To protect his neighbors, the farmer must either submit to Federal regulation or give up the services which are necessary to survival.

All of this Federal regulation is contained in President Kennedy's civil rights bill. That is why many farmers have come to the conclusion that the bill is only 10 per cent civil rights and 90 per cent expansion of Federal power.

MISSISSIPPI FUNDS FIGHT RIGHTS BILL

State Gives \$20,000 in Tax
Money to Capitol Lobby

By BEN A. FRANKLIN

Special to The New York Times

WASHINGTON, Nov. 3 —

Public funds of the State of Mississippi are supporting the most active lobby here against civil rights legislation.

Reports filed with the Clerk of the House of Representatives show that \$20,000 has been paid

by the Mississippi State Sovereignty Commission, a tax-supported state agency, to the Coordinating Committee for Fundamental American Freedoms, Inc.

The committee, which was organized last July to oppose the Administration's civil rights bill "and all similar legislation," recently registered as a lobby.

The committee maintains a suite at the Carroll Arms Hotel, a Capitol Hill landmark that overlooks the two Senate office buildings.

Industry Backing Sought

It has tried to enlist the support of other lobbyists here, notably those representing industrial and trade associations

and has spent more than \$23,000 in two months.

Since its creation by the Legislature in 1956, the Mississippi Sovereignty Commission has used public funds extensively to underwrite programs of the Citizens Councils of America, an extreme segregationist organization. Attempts to challenge this use of tax funds have failed in the courts.

The coordinating committee reported the \$20,000 contribution in its lobbyist's registration statement. Such statements are required to be filed quarterly. The committee's report covered its operations during the three months ending Sept. 30.

The committee said earlier that it would count heavily on

contributions from all Southern states that maintain so-called sovereignty commissions. Besides Mississippi, these are Alabama, Georgia, Florida, Louisiana, South Carolina, North Carolina, and Virginia. The committee had called its program "the greatest unified project ever undertaken in the South."

But many sovereignty commissions were largely paper organizations at the outset and are now dormant, with little financial backing. The committee's report shows that, through Sept. 30, only Mississippi had contributed.

The only other reported contributions have been made by two Virginians. — Landon B. Lane of Altavista, vice presi-

dent of the Lane Company, which manufactures cedar chests, and Bruce Dunstan, a Richmond real estate owner and philanthropist. Each contribution was \$1,000.

Loeb Is Chairman

The committee chairman is William Loeb, the conservative editor and publisher of The Manchester (N.H.) Union Leader and other newspapers. The vice chairman is James J. Kilpatrick, editor of The Richmond News Leader. These posts were described as largely honorary.

The secretary-treasurer and most active top officer is John C. Satterfield of Yazoo City, Miss., a close adviser to Gov. Ross R. Barnett.

As president of the American

Bar Association in 1961 and 1962, Mr. Satterfield charged that the Supreme Court was eroding states' rights and threatening the country's liberty and security by giving "inordinate weight" to the rights of individuals.

A year ago he served as a special adviser to Governor Barnett during the crisis that followed the admission of James H. Meredith as the University of Mississippi's first Negro student.

The committee's assistant secretary and staff director is John J. Synon, a Richmond public relations man who once served as a special assistant to former Gov. Goodwin J. Knight of California. The committee's lobbying report said Mr. Synon

was paid \$519.63 a week, plus expenses.

The committee was also hired a Washington lawyer, George Stephen Leonard, at a reported fee of \$750 a month.

Its report showed that it had paid \$500 to Horace B. Clay, a former legislative assistant to Senator John B. Tower, Republican of Texas, for "research on pamphlets."

Senator Tower's office said Mr. Clay had resigned his job there Sept. 30.

The report also listed a payment of \$250 to William Schulz, an assistant to Fulton Lewis Jr., the radio commentator, for "research service for pamphlets." It disclosed a payment of \$114.64 for "travel, committee meetings," to Mrs. Ray L. Erb

of Washington, former national defense chairman of the Daughters of the American Revolution. Mrs. Erb is now an employee of the American Coalition of Patriotic Societies, Inc.

The Pale Of A Police State

(by John C. Satterfield, Past President (1961-62) of The American Bar Asso., and Secretary-Treasurer of The Coordinating Committee for Fundamental American Freedoms.)

A person would be well advised to look behind whatever emotional facade he may have erected concerning civil rights. That is, civil rights as the Kennedys are applying the term in their bill now pending in the House of Representatives.

For, what carries the overtones of justice to the downtrodden is, in fact, a means to put those who work, everyone who works -- employers, employees, union men and non-union men -- behind the pale of a police state.

So far as hiring or being hired, if this bill becomes law, the American people will do as the Federal government tells them to do or they will pay the penalty. And such penalties, under the Civil Rights Act of 1963, run the gamut, from fines and imprisonment, to the destruction of businesses, the loss of jobs and the emasculation of labor unions.

Consider the situation as it will apply to union hiring halls; a carpenter's hiring hall, say.

If a contractor, in the course of events, were to request of the union a dozen carpenters, under the provisions of this bill, he might very well be in for the surprise of his life. Heretofore, historically, the unions have adhered to strict rules of seniority, first in, first out. They won't be allowed to do that any more. Instead, they may be required to send the contractor "carpenters" in ratio to the racial makeup of the area. And if the area makeup has 15 per cent Chinese, 20 per cent Eskimos, 30 per cent White, 30 per cent Negro and five per cent Hottentot, that contractor is going to get 15 per cent Chinese carpenters, 20 per cent Eskimo carpenters, 30 per cent White carpenters and five per cent Hottentot carpenters, regardless of their position of seniority in the union. And if the union does not comply with the Federal edict -- assume it can't comply -- and the contractor puts to work those carpenters (whatever their racial makeup) sent him by the union, both he and the union will be in violation of Federal law.

And that only begins it. If the area is composed of 30 per cent Protestants, 30 per cent Catholics, 10 per cent Jewish, five per cent Buddhist, and so on, the workmen must be juggled again, juggled until they come out even: as it applies to religion as well as race.

You ask, but what of their ability, suppose a Hottentot-Buddhist proves to be an inferior carpenter?

Well, the bill makes no provision for competence. It applies to race and religion and if one Hottentot-Buddhist is an incompetent, then replace him with another.

Hottentot-Buddhist, but do nothing to disturb the racial and religious ratio of the employment.

Ridiculous? Well, it seems so. But that is the sense of the Civil Rights Bill of 1963.

Take it from another viewpoint, that of the employee already at work. Suppose a firm has a staff of, say, 125 people, the great majority of whom have worked in harmony for years. Under this bill a Federal inspector could walk in off the street -- just arbitrarily, without any complaint having been made -- count heads and subsequently, charge the employer with violation of the employment statutes as they apply to race and religion. That inspector, under this bill, could arbitrarily tell the employer: how many Caucasian-Protestants he must dispose of for others of another race, another religion.

Say a bank had an opening for a stenographer and a Negro woman applied for the job and was refused employment, no reason given. If the ratio of Negroes in that area were such as to call for a Negro secretary in that bank's stenographic pool, the woman would be hired, or a frightening train of events could be put into effect.

For, the assumption would be -- unless the bank could prove otherwise -- the woman had been refused employment because of her race. Faced with that sort of arbitrariness, how could the employer prove this was not so. How could he prove he had refused employment, say, because of a personal belief he held as to the woman's honesty or morality?

How could he? Most likely, he couldn't. But he must, or hire the woman, for, under the Civil Rights Act of 1963, the burden of proof is on the employer; he must prove his innocence. And that, it need not be added, is the earmark of the police state, guilty until proven innocent.

Consequently, the banker would either hire an unsatisfactory applicant or the Federal government could rescind its insurance on the bank's deposits. And there is no bank, today, that can successfully operate without FDIC.

Actually, the bill goes beyond even these outrageous illustrations. If a customer of the bank is held to be in violation of Federal law -- is judged guilty of racial or religious discrimination -- under this bill, that bank can be told to stop doing business with its customer or, if the bank will pay the penalty, have its FDIC lifted.

Sympathy for the downtrodden is one thing, a police state is quite another.

WISH I'D
SAID THAT

The Plymouth Record
Nov. 8, 1963

CIVIL RIGHTS & REAL WRONGS

CIVIL RIGHTS BILL OF 1963

A package of legislation called "The Civil Rights Act of 1963" now is pending in the United States Congress.

The title is a misnomer. This bill is but ten per cent civil rights. The rest—90 per cent—is an extension of Federal executive power created at the expense of individuals, States, and municipalities. The bill is, in fact, the blueprint for a controlled system of life; it would establish new principles of law of drastic and far-reaching implications.

Consider the bill's principal provisions:

Under the cloak of "Civil Rights"—if this bill becomes law—the Federal government henceforth will dictate to whom you may sell or rent your home.

If you are the proprietor of an establishment that offers goods and services for use or hire—not just public accommo-

dations (hotels, restaurants and such) but any kind of business that offers anything to the public—then, under this bill, your business would be subject to Federal control.

In like manner, the bill covers all "contractors and subcontractors" in every program or activity where direct or indirect financial aid is rendered by the government. It will apply to you. If you borrow money from or deposit money in a government-insured bank; if you have an FHA, VA or Small Business Administration loan; if you are a realtor or developer; if you are a farmer who has financial dealings with the Farm Credit Administration, the Commodity Credit Corporation, or the Soil Conservation Service; or if you have Federal Crop Insurance, or deal with the REA or participate in any agricultural program involving Federal funds.



EMPLOYERS & EMPLOYEES

Under this Act, all employers who participate in any of three programs can be sued by a Federal FEPC whom they shall hire, fire, promote and demote, and how they shall handle their employees.

Under this Act, Federal inspectors would be empowered to rule that racial or religious imbalance exists in a business. Thereafter, that business could not employ or promote the people it might prefer but only such "racial" or "religious" individuals as the Federal inspector designated. His ruling could require that "racial" or "religious" balance be obtained and apply to all job classifications: to common laborers, to skilled laborers, to the managerial staff, to supervisory employees, and to vice presidents, all alike. A Federal agency would be prosecutor, judge, jury and executioner.

ENFORCEMENT

Enforcement of the Federal Inspector's findings would be simple: failure to comply would mean the end of all participation in Federal programs. Your loan could be called; you could be blacklisted for further loans from banks or financial institutions insured by the government; and you could be prohibited from taking part in any activity that had to do with Federal financing. In certain injunctive situations, an employer could be jailed without the protection of a jury trial.

AND THIS IS ONLY PART OF IT.



VOTERS

Not is that all. The bill boldly seeks for the Justice Department unprecedented powers to seize Federal control of the electoral machinery.

In 1953, the United States Commission on Civil Rights recommended—contrary to extreme provisions in the Constitution—that the Federal government impose new controls over the qualification and registration of voters. "The Civil Rights Act of 1963" would implement these recommendations.

It follows, then, if this Act were made law, a politically-minded Attorney General could go into an area where the voting might be close and swing the election. See how it would work: The language of the bill allows the Attorney General, at his own discretion, to file a "discrimination" suit, without proof of his allegations, register tens of thousands of voters. The ballots, then, could be cast and counted and the election won, even though the Attorney General's action, later, were determined by the Courts to have been invalid.



EVERYONE

A careful reading of this Civil Rights Act of 1963, we believe, will convince the impartial citizen that the administration is here proposing, under an emotional and racial appeal to "civil rights," to destroy age-old liberties of the individual and to cast off constitutional restraints upon Federal power. The bill would intimately and immediately affect the parents of school-age children, every businessman, every professional man, every householder, and every wage earner in the United States.

Many of the provisions of the Act, in our view, violate the Constitution of the United States. They are also contrary to existing decisions of the Supreme Court of the United States. But, no one can foretell what the Supreme Court would hold, if Congress were to make "a legislative finding" in the areas mentioned—that is, if "The Civil Rights Act of 1963" were passed by Congress.



UNIONS

The bill goes on: In giving the Federal government new control over the hiring, firing, promotion, demoting and payment of employees, the Act also would give Federal Commissioners new powers to destroy not only the security systems of unions, but also an employer's rights within the company for which he works. This is, in essence, the Act gives full and unlimited power to Federal inspectors to determine who shall be hired, promoted, demoted or fired, whenever a charge is made that racial and/or religious imbalance ("discrimination") exists.



PROFESSIONAL AND SMALL BUSINESS

"The Civil Rights Act of 1963" would also bring under Federal control individuals and businesses never before thought to be constitutionally subject to such regulations. Under the bill's Title II, any person who runs a business license to a State or municipality could be included.

Thus, the Act brings under Federal supervision almost every profession and every business—lawyers, realtors, small establishments, doctors, restaurants, gasoline stations, theaters, hotels, motels and lodging houses. The smallest "single business" would be covered.



SCHOOLS

The bill goes even farther. If this Act should become law, between 100 and 200 statutes now in effect would be amended. Everyone who has dealings with Federal educational programs, for instance, would be subject to new requirements. Under the provisions of the Act, the United States Commissioner of Education could influence the transfer of children from one school to another—back and forth—until racial balance and religious balance existed. (The correction of "racial imbalance" is of such importance in the scheme that the statute appears eight times in a single brief section of the bill.)

Under the authority proposed in connection with Federal financing, school lunch programs, research programs, the building of schools, Hill-Burton hospitals—all such programs and organizations would be subject to new Federal controls.

THE SO CALLED "SOFTENING AMENDMENTS" PROPOSED BY ATTORNEY GENERAL KENNEDY DO NOT ACTUALLY CHANGE THE EFFECTS OF THE BILL.

WRITE CONGRESS

If you do not want such controls to apply to you, if you do not want your personal liberties snatched from you by the areas covered by the bill, if you want to preserve liberty as guaranteed by the Constitution, then write to your Senators (both of them) and to your Congressmen, today—ask them, earnestly, to VOTE AGAINST this legislation. Tell them the truth, that 50 per cent of "The

Civil Rights Act of 1963" is not Civil Rights at all, but Federal control. Do this and you will stop this grab for power. Fail to do it, and the legal foundation will be laid for the most repulsive change in our country's history. You have "civil rights" law. Put them to use in a fight against this bill!

Sponsored by

The CO-ORDINATING COMMITTEE for FUNDAMENTAL AMERICAN FREEDOM
Suite 520 o 301 First Street, NE o Washington, D.C.

WILLIAM LOEB, Manchester, N. H.
Chairman

JOHN J. SYLON, Richmond, Va.
Director

FBI

Date: 12/17/63

Transmit the following in _____
(Type in plain text or code)Via AIRTEL _____
(Priority or Method of Mailing)TO: DIRECTOR, FBI
FROM: SAC, WFO (62-0)THE COORDINATING COMMITTEE FOR
FUNDAMENTAL AMERICAN FREEDOMS, INC.
301 FIRST STREET, N. E. WASHINGTON, D. C.
INFORMATION CONCERNING

Enclosed for the Bureau are the following pamphlets obtained from the office of the Coordinating Committee For Fundamental American Freedom, Inc., Suite 520, 301 First Street, N. E., Washington, D. C.:

1. Pamphlet captioned "Blueprint For Total Federal Regimentation". This pamphlet contains information which claims the Civil Rights Act of 1963 violates the Constitution of the United States by extending powers of the Federal Government beyond those permitted under the Constitution.
2. Pamphlet captioned "Civil Rights and Legal Wrongs". A critical commentary upon the Civil Rights Bill of 1963.
3. Pamphlet captioned "The Federal Eyes Looking Over Your Shoulder". This pamphlet contains information about the Civil Rights Act of 1963.
4. Pamphlet captioned "The Federal Eyes Looking Down Your Throat". S-1731 HR 7152.

The officers of the Coordinating Committee For Fundamental American Freedoms, Inc. are as follows:

3 - Bureau (Enc. 4)
1 - WFO
LED:mpc
(4)
AIRTEL

ENCLOSURE ATTACHED

JAN 10 1964

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

b6
b7c

WFO 62-0

1. [REDACTED]
2. [REDACTED]
3. JOHN C. ~~S~~ATTERFIELD, Secretary-Treasurer
4. JOHN J. ~~S~~YNON, Director

b6
b7C

WFO contemplates no additional investigation regarding this organization.

*THE COORDINATING COMMITTEE FOR FUNDAMENTAL
AMERICAN FREEDOMS*

ENCLOSURES TO BUREAU (4)

1. Blueprint For Total Federal Regimentation.
2. Civil Rights and Legal Wrongs.
3. The Federal Eyes Looking Over Your Shoulder.
4. The Federal Eyes Looking Down Your Throat.

WFO 62-0

By airtel dated 12/17/63.

By legislative sleight-of-hand it would cover almost every man, woman and child in the country. It would bring under Federal control every firm that engages in a greatly expanded concept of interstate commerce; every establishment or individual who pays for a "privilege license" from the state; every business touched in any way by what Administration officials call Federal "grants, contracts, insurance, guaranties or otherwise."

Under this legislation the States would be little more than local governmental agencies, existing as appendages of the central government and largely subject to its control. It would result in a totally powerful National Government with unending authority to intervene in all private affairs among men, and to control and adjust property and business relationships in accordance with the judgment of Government personnel.

THE FEDERAL
EYES LOOKING
DOWN YOUR
THROAT!

S-1731  HR7152

THE CO-ORDINATING
COMMITTEE FOR
FUNDAMENTAL
AMERICAN
FREEDOMS INC.

Suite 520

301 First Street, N.E., Washington, D. C.

WILLIAM LOEB, *Chairman*

J. J. KILPATRICK, Vice Chairman

JOHN C. SATTERFIELD, *Secretary-Treas.*

JOHN J. SYNON, *Director*

~~62-5-14758~~
62-5-14915-2

The Federal controls under "The Civil Rights Act of 1963" affects you if you*—

- Own a home or help build, buy or sell one.
- Own a business where the goods you offer or use have moved in interstate commerce.
- Pay a license tax to any city or state.
- Are receiving or expect to receive veteran's social security or welfare benefits.
- Participate in any federal farm financial program, such as production credit, REA, soil conservation, or deal with federal land, cooperative or soil banks, etc.
- Own stock in a corporation which sells or uses goods which have moved in interstate commerce or have loans or other contracts with banks affected by the FDIC, FHA, SBA, VA or contracts in any other federal financial program or activity.
- Have or expect to have a child in elementary school, high school or college.
- Vote in federal, state or local elections.

The Federal penalties under the "Civil Rights Act of 1963" may include*—

- Federal dictation as to whom you sell or render services, whom you hire, fire or advance in your employ, where your children will go to school and who will vote.
- Withdrawal of federal insurance and guaranty (such as FDIC, FHA and VA) by administrative officials without notice or hearing.

* This proposed Act amends more than 100 acts creating federal programs and activities. The controls and penalties apply differently under different Titles of the Act. For a detailed breakdown and analysis write us at once, airmail:

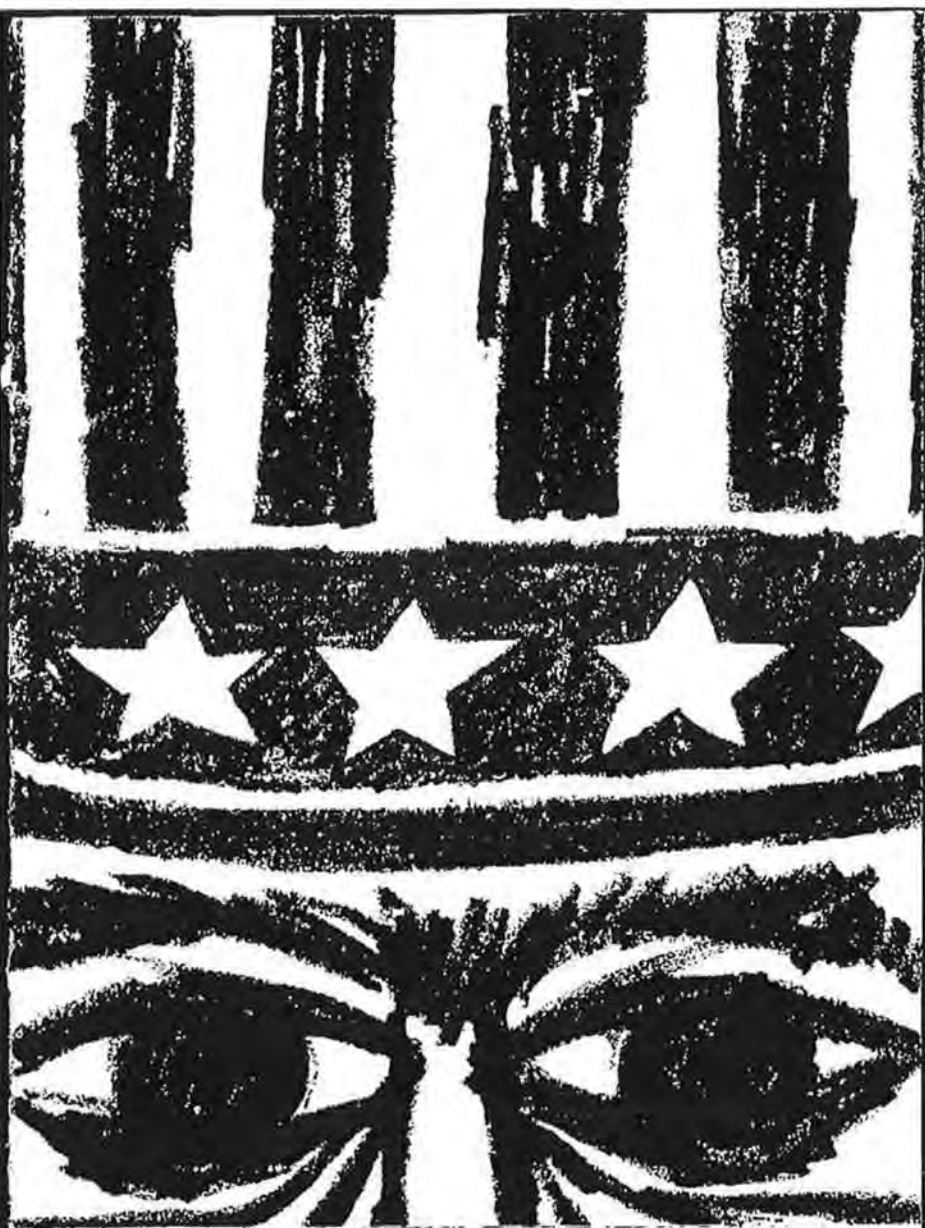
- Calling and foreclosure of loans, refusing loans, exclusion from programs, activities, supports, subsidies or benefits by administrative officials without notice of hearing.
- Blacklisting of banks, contractors, schools, businesses, corporations or individuals by administrative officials without notice or hearing.
- Fine and imprisonment of citizens or state and local officials in suits brought at taxpayers expense, injunctions, assessment of damages, attorney's fees and costs, all without jury trial.

Federal Dictatorship

This legislation is 10 percent civil rights and 90 percent extension of federal control. The civil rights features are a smokescreen. It was not recommended in the President's Civil Rights Message of February 28 nor contained in his Civil Rights Act introduced on April 4 (with the exception of the voting provisions). It was first recommended on June 19.

This legislation recommended by the President vests in one individual—the Attorney General—more naked, raw power over the life and property of the citizens of this nation than has ever before been held. It would bestow upon the President's younger brother almost unlimited power and authority to interfere with and intrude upon the most sensitive phases of our society and economy. For instance, the Attorney General, just before an election, could move into marginal areas, register tens-of-thousands of voters and these votes would count even if, at a later date, a court set aside his action.

It would control and regulate where a man lives and where he eats, for whom he works and the paycheck he receives. It would affect the administration of multi-billion dollar programs of Fed-



THE FEDERAL EYES

Looking

OVER YOUR SHOULDER

THE CO-ORDINATING COMMITTEE FOR
FUNDAMENTAL AMERICAN FREEDOMS INC.
SUITE 520 • 301 FIRST STREET, N.E. • WASHINGTON, D. C.

This pamphlet concerns you, if you:

Own a home

Are an employer or employee

Belong to a union

Work under civil service
(Federal or State)

Pay a license tax to any State or City

Offer goods or services to the public
(business or professional)

Borrow money from a bank

Deposit money in a bank

Benefit from any Federal farm program

Have a child in school

Vote

Receive or expect to receive

- Social Security
- Veterans' benefits
- Old age pensions
- Retirement benefits

UNDER THE CLOAK OF CIVIL RIGHTS THE PRESIDENT IS SEEKING POWER

The Administration has proposed a package of legislation under the title "The Civil Rights Act of 1963."

This bill is now pending before Congress as SB 1731 and HR 7152 and other bills. In substance, it is an extension of Federal control—executive and administrative—over individuals, business and the States. What purports to be an act to "equalize" civil rights is, in fact, but *10 percent civil rights and 90 percent extension of Federal executive power*. Consequently, if this legislation is enacted and upheld, the Federal government will have acquired, in one blow, greater control over the lives of individuals and over State and local governments than it has acquired in all such legislation passed since our nation was founded. Personal liberty will be chained by the over-riding power of the Federal government.

Consider the facts:

1. This legislation amends every act of Congress "providing or authorizing direct or indirect financial assistance" in connection with any "program or activity by way of grant, contract, loan, insurance, guaranty or otherwise."

Federal FEPC

2. It creates a Federal FEPC covering every "contractor or subcontractor" connected with any such program or activity and does not limit its force and effect to government contractors. Every large corporation and most small corporations as well as individuals will be subject to the power of the Federal government to supervise the employ-

ment, the discharge, the promotion, the demotion, the compensation and the transfer of its employees. Unlimited sanctions are authorized to enforce federal requirements that "racial imbalance" or "religious imbalance" be removed in common labor, skilled labor, supervisory employees, corporation directors or vice presidents.

Blacklist

3. These would include cancellation of contracts, black-listing for future contracts, withdrawal of grant, insurance or guaranty.

Among the "contractors and subcontractors" who are affected are those who "benefit" in any way from financial dealings with every Federal agency. To name a few: The Federal Reserve System; FDIC; SBA; the VA; FHA; PHA; FNMA; and the CHA. It covers customers—depositors and borrowers—of these institutions who by contract "participate in" or benefit from the program or activity of these agencies. This includes home owners, businesses, realtors, developers, contractors, subcontractors, as well as public schools and colleges.

Agriculture

4. The Act (including the Federal FEPC) affects everyone who receives any sort of financial contractual benefit from the programs of the Farm Credit Administration (including Federal Land Banks and Banks for Co-operatives), from the Commodity Credit Corporation, Soil Conservation Service, Federal Crop Insurance Corporation, Farmers Home Administration, Rural Electrical Administration, Forestry Service, Agricultural Research Service, Extension Service, and the Agricultural Marketing Service, as well as other similar activities and programs in the agricultural field.

Union Seniority

5. It would destroy Seniority rights within unions as well as civil service rights and non-union Seniority rights.

Everything

6. In addition, under a palpably unconstitutional extension of the Interstate Commerce

clause, the Act would extend Federal control to retail shops, department stores, markets, drug stores—the bill enumerates all these establishments—gasoline stations, restaurants, motion picture houses, theaters, stadiums, exhibition halls, public places of amusement, hotels, motels and lodging houses. It also would extend governmental control to all establishments where “goods, services, facilities, privileges, advantages or accommodations are held out to the public for sale, use, rent or hire.”

All Licenses

7. In fact, the Act would draw under Federal control every individual or corporation which pays a tax to the States for the privilege of doing business.

Uncontrolled Power

8. To insure the power the Federal government desires in the field of “race, religion or national origin,” the bill gives the President and his appointees, blanket and uncontrolled authority to call loans; withdraw support of the FDIC and the Federal Reserve Board, and other similar entities; it gives the President and his appointees power to cancel contracts; it gives the power to blacklist banks, savings and loan associations, contractors, realtors, farmers, cooperatives, farm organizations, and any other institution or persons falling within its classification.

Education Too

9. Under this proposed Act, the Federal government would obtain control of education through the misuse of every existing Federal financial program, including grants-in-aid, research grants, lunch programs, scholarships and similar activities. In conjunction with the recommendations of the President in his message of transmittal, the Act would turn over—almost in its entirety—the field of vocational education to the Federal government.

And Elections

10. This Act proposes to take the first step toward placing all elections ("general, special or primary elections held solely or in part for the purpose of electing or selecting any candidate for public office") under the absolute control of the Federal government. It would do so by determining, under certain circumstances, who would vote and who would not vote.

Veterans and Social Security

11. It would place under Federal control all individuals receiving Social Security, Veteran's benefits, welfare funds, school lunch benefits, or any other benefits from any other Federal program or activity. Under this act, the Federal government would have the right to manipulate such "benefits" (funds) and to require actions desired by the Federal government in connection with "discrimination."

Big Brother's Hand

12. It creates a new Federal Commission to meddle in and take over matters involving race relations in every community in the country.

Penalties

13. As to penalties under the Act: Most would be inflicted by Federal inspectors *without notice and without hearing*; some would be inflicted administratively, following a hearing, but without the right of trial by jury; some would be inflicted by judicial proceedings under restraining orders or injunctions but again, without trial by jury, with penalties to be fine or imprisonment.

Shackles

As stated earlier, the Civil Rights Act of 1963, is the most far-reaching legislation ever proposed by any President of the United States. It does, in fact, presage dictatorial control. It would destroy the private enterprise system—the bedrock of our economy—and would impose intolerable restrictions on the personal rights and responsibilities of our people. It would shackle us all.

If you want to maintain your personal liberty—your right of free choice—write your Senators (both of them) and your Congressman and tell them you are opposed to The Civil Rights Act of 1963.

THE CO-ORDINATING
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J. J. KILPATRICK, *Vice Chairman*

JOHN C. SATTERFIELD, *Secretary-Treas.*

JOHN J. SYNON, *Director*

62-109151-2

62-0-64758



CIVIL RIGHTS AND LEGAL WRONGS

A critical commentary upon the President's pending "Civil Rights" Bill of 1963, prepared and distributed by the Virginia Commission on Constitutional Government. ★ ★ ★ ★ ★ ★ ★ ★ ★ ★



CIVIL RIGHTS AND LEGAL WRONGS

From the moment the President's omnibus Civil Rights Bill was introduced in June, the entire resources of the Federal Government have been thrown behind its support. As a consequence, many Americans have heard only a case *for* the bill.

This commentary is an attempt to present the other side.

(Third Printing)

VIRGINIA COMMISSION ON CONSTITUTIONAL GOVERNMENT
Travelers Building, Richmond, Virginia

CIVIL RIGHTS AND LEGAL WRONGS

The logic is said to go something like this: All decent Americans should support good things. All decent Americans should oppose bad things. Racial discrimination is a bad thing. Bills to prohibit racial discrimination are good things. The President's pending Civil Rights Bill is intended to prohibit racial discrimination. Therefore, his bill is a good thing, and all decent Americans should support it.

If this were all there were to it—if the problem were as simple as A plus B, and therefore C—nothing could be gained by further discussion of the President's proposal. All decent Americans would be of one mind.

But the problems that have produced this bill are not easy problems, and the bill is not a simple bill. One of the great distinctions of the American system is that we try always to distinguish between the means and the end—between the goal itself, and the way in which a goal is reached. Such careful distinctions need to be made in this case.

We believe this bill is a very bad bill. In our view, the means here proposed are the wrong means. The weapons the President would contrive against race prejudice are the wrong weapons. In the name of achieving certain "rights" for one group of citizens, this bill would impose some fateful compulsions on another group of citizens. The bill may be well-intentioned—we question no man's motivation in supporting it—but good intentions are not enough. In this area, we need good law. And the President's bill, in our view, is plain bad law.

That is perhaps the least that could be said of it. In our judgment, this bill violates the Constitution in half a dozen different ways:

It would tend to destroy the States' control of their own voting requirements.

It would stretch the Commerce Clause beyond recognition.

It wrongly would invoke the 14th Amendment.

It would undermine the most precious rights of property.

It would raise grave questions of a citizen's right to jury trial.

The bill would open new doors to the forces of government regimentation.

And in the end, because of the violence that would be done to fundamental law, Americans of every race would suffer equal harm.

The emotionalism of this turbulent summer is largely responsible for the serious attention now given the bill and for the eminent voices raised in its behalf. In a calmer climate, the bill's defects would be readily apparent. But this is not a calm time; it is a passionate time, and dispassionate thought comes hard. What is here proposed, in this brief pamphlet, is simply that we sit down and reason together. Those of us who strongly oppose the bill believe our position is sound. We should like to explain this position to you.

THE BILL ITSELF

Mr. Kennedy's omnibus Civil Rights Bill of 1963 (S. 1731) is divided into seven major titles. Briefly:

- Title I relates to "voting rights." It would place elaborate new controls upon the States' constitutional authority to fix the qualifications of voters.
- Title II relates to "public accommodations." It would compel the owner of almost every business establishment in the United States to serve all persons regardless of race.
- Title III, relating to the "desegregation of public education," would vest sweeping new powers in the U. S. Commissioner of Education and the Attorney General to deal with "racial imbalance" in schools throughout the country.
- Title IV would set up a new Federal agency, the "Community Relations Service."
- Title V would continue the Commission on Civil Rights until 1967, and endow it with broad new authority.
- Title VI amends all statutes providing financial assistance by the United States by grant, contract, loans, insurance,

to be suspended upon a finding of racial or religious discrimination. Title VII authorizes the President to create a "Commission on Equal Employment Opportunity," possessed of "such powers as may be conferred upon it by the President" to prevent discrimination under contracts in programs or activities receiving direct or indirect financial assistance from the United States government.

This is what the bill is all about. At first glance, perhaps, many persons may see nothing wrong in the several proposals. In this emotional hour, one is tempted to leap from a sincere conviction that discrimination is wrong, to a false conclusion that a Federal law is the proper way to prevent it. We do not believe the intensely personal problems of racial feeling can be solved by any Federal law; the roots go deeper than Congress can reach. In any event, we believe that whatever might be gained by this particular Federal law, if anything, the positive harm that would be done to constitutional government would far outweigh the hypothetical good.

TITLE I—VOTING RIGHTS
In the United States, beyond all question, the right to vote is just that—a right to vote. For most Americans, probably the ancient right of property ranks first in their daily lives; it is the oldest right of all. But as political beings, they view the right to vote as basic. As the President has said, it is ultimately the right on which the security of all other rights depends.

A moment's reflection, however, reminds us that the right to vote is not an absolute right. Children cannot vote. Lunatics cannot vote. Certain convicts cannot vote. Beyond these obvious limitations, it is evident that persons in Virginia cannot vote for a Senator from New York. Residents of Albany cannot vote for the City Council of Schenectady. And the man who moves to Manhattan on a Monday cannot vote for the Mayor on Tuesday. These are elementary considerations, of course, but it does no harm to spell them out.

Why is all this so? It is because the right to vote, though it is described in the 15th Amendment as a right accruing to "citizens of

the United States," is in its exercise a right accruing to citizens of the several separate States. It never should be forgotten that whenever we vote, we vote as citizens of our States. We never vote nationally. We are always, at the polls, Virginians, New Yorkers, Texans, Missourians. As voters, we are never "Americans." The idea is hard to get accustomed to; but it is so. The Constitution makes it so.

Three provisions of the Constitution merit attention. First, the 15th Amendment. It is very short:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State *on account of race, color, or previous condition of servitude.* [Emphasis added].

The Congress shall have power to enforce this article by appropriate legislation.

The briefest perusal of Mr. Kennedy's pending Civil Rights Bill will disclose that some of its most important provisions are not related to the denial or abridgment of the right to vote "on account of race, color, or previous condition of servitude." The 15th Amendment is not relied upon at all. If the bill were based clearly upon the Fifteenth, the position of the Virginia Commission would be wholly different. We might object that a bill along these lines were unwise, or unwarranted; but we would not oppose it as unconstitutional. No. In its provisions relating to a standard literacy test, and in other provisions, the administration's bill has nothing to do with State deprivals in the area of "race, color, or previous condition of servitude." *This bill applies to all citizens, everywhere.*

Therefore, other provisions of the Constitution come into play. The first of these provisions appears in the second paragraph of Article I. It tells us who shall be qualified to vote in what often are termed Federal elections—that is, who shall be qualified to vote for members of the Congress. It reads:

The House of Representatives shall be composed of members chosen every second year *by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.* [Emphasis supplied].

The final provision of the Constitution of concern to us here is to be found in Article I, Section 4. It reads:

The *times, places, and manner* of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof: But the Congress may at any time by law make or alter *such regulations*, except as to the places of choosing Senators. [Emphasis supplied].

Now, keeping these provisions in mind for the moment, consider what is proposed in Title I of Mr. Kennedy's omnibus bill. We find some astounding things.

First, and this is merely by way of example, we may note that the power of the States to impose a poll tax (for good or ill) has not yet been repealed. A constitutional amendment to achieve that end is actively pending. At the time the President's bill was introduced, 36 States—but not the necessary 38 States—had agreed to a constitutional amendment to prohibit such taxes. As this is written, poll taxes are as lawful, as constitutional, as any other tax. But the President's bill simply ignores the process of formal constitutional amendment. It is as if the pending constitutional amendment did not exist. The bill proposes by simple statute to declare that "No person acting under color of law shall . . . deny the right of any individual to vote in any Federal election because of an omission of such individual relating to payment of poll tax." The Virginia Commission takes no position, one way or another, on the merits of a poll tax. Obviously, with the votes of only two States to go, the levy is about to be abolished. Very well, we would say; let it go. The point is that the machinery already is fully in motion for abolition of this tax by proper constitutional process, but the Administration is unwilling to wait upon such machinery. It is filled with impatience. It cannot pause. So the President's bill undertakes to accomplish by simple congressional enactment what the Congress has decreed may be accomplished only by constitutional amendment.

This comparatively minor provision, of potential application to five States only, is cited by way of example, to suggest the zeal for hurried change that underlies this title of the bill. Title I goes on to lay down rules for the use of literacy tests, not as such tests may affect persons of "race, color, or previous condition of servitude," but as they may affect *every* person. Here the bill leaves the 15th Amendment altogether, and trespasses upon the other constitutional pro-

visions quoted. The bill would prohibit the use by any State of a literacy test unless such tests met Federal requirements—unless the tests were “wholly in writing” and unless a copy of such test were furnished the individual registrant “within 25 days of the submission of his written request.” Beyond this, the bill would provide that State literacy tests were of no consequence anyhow. Any person who had completed the sixth grade in a public school or an accredited private school would arbitrarily be deemed to possess “sufficient literacy, comprehension, and intelligence to vote in any Federal election.”

We take no position here on the merits of these proposals, as such. They are as may be. Our contention is that such proposals plainly deal with the qualifications of electors in the several States. These proposals have nothing whatever to do with the “times, places, and manner of holding elections.” In our view, they are simply beyond the authority of the Congress to enact. They plainly encroach upon the power of each State to fix qualifications requisite for electors of the most numerous branch of the State legislature.

The President's bill continues with a provision aimed at certain of the Southern States, in which, in a scattering of counties—fewer than 15 percent of the adult Negroes have registered to vote. The Virginia Commission would make its own position clear: We have no patience with conspiracies or chicanery or acts of intimidation intended to deny genuinely qualified Negroes the right to vote. We have no patience with acts of bland partisanship that may give the vote to certain white persons and prohibit the vote to Negroes of equal stature. Wherever such acts have occurred, they are to be emphatically condemned. We do say this: There is abundant law on the books—there was abundant law on the books even prior to enactment of the Civil Rights Acts of 1957 and 1960—to prohibit and to punish such willful acts by local registrars. All that is required is that the existing laws be enforced. If the Congress somehow is persuaded that still further law is required to enforce the 15th Amendment, the Virginia Commission will raise no constitutional objection. In the area of “race, color, or previous condition of servitude,” the Amendment plainly vests in Congress the power to adopt appropriate legislation.

We come back to the larger point. The key provisions of Title I, as a whole, have nothing to do with “race, color, or previous condition of servitude.” These provisions assert, on the part of the

Congress, some power to fix general qualifications for voters throughout the United States. If this principle be accepted, as to literacy tests and the rest, it must follow that the Congress may fix a uniform age for voters, a uniform period of residence in State or city or precinct, and in every other fashion control the qualifications of electors. For sound reasons, the Constitution deliberately left the fixing of such qualifications in the control of each separate sovereign State. When the President's bill attempts to ride roughshod over this plain provision of the supreme law of the land, the President's bill violates the Constitution. And we object.

The person who takes the time and trouble to read the remaining provisions of Title I will find many other areas of grave concern to those who believe in adhering to the Constitution. Only in the interests of a decent brevity do we pass over them here, in order to get to the even more outrageous provisions of

TITLE II. PUBLIC ACCOMMODATIONS

Perhaps the most obvious wrongness of Title II may be summed up in a phrase: This section is conceived in hypocrisy, and cannot rise above its shabby origins.

Title II opens with a long recital of "findings." In these opening paragraphs, the Congress purportedly finds "all sorts of burdens upon interstate commerce, all resulting from acts of racial discrimination. It is of passing interest to inquire how the Congress has found these things, for the Administration's witnesses have provided no convincing evidence to point them out. Possibly we are to rely on faith alone. In any event, the Congress here "finds" that a substantial number of Negroes, traveling in interstate commerce, are denied convenient access to hotels, motels, and eating accommodations; that practices of audience discrimination in the entertainment industry create "serious and substantial" burdens upon interstate commerce; that fraternal, religious, and scientific conventions "frequently" are dissuaded from meeting in particular cities by reason of discriminatory practices; that business organizations "frequently" are hampered in setting up branch plants by reason of discrimination; and finally, that

(h) The discriminatory practices described above are in all

cases encouraged, fostered, or tolerated in some degree by the governmental authorities of the States in which they occur, *which license or protect the businesses involved by means of laws and ordinances and the activities of their executive and judicial officers.* [Emphasis supplied].

This is the strange and ominous foundation on which Title II is made to rest. Read it, we beg you. Ponder it! Reflect, if you please, upon this assertion of some Federal authority over any business that may be "licensed" by State authority. Reflect, if you please, upon the vagueness of these "activities" of a State's executive and judicial officers. Because the very next sentence of this "finding" ties it all together:

Such discriminatory practices, particularly when their cumulative effect throughout the Nation is considered, *take on the character of action by the States and therefore* fall within the ambit of the equal protection clause of the 14th Amendment to the Constitution of the United States.

The object of this smooth leaping and hurdling is apparent to the most casual student of the Constitution. Obviously, the 14th Amendment does not prohibit acts of private discrimination in ordinary daily life. The Supreme Court of the United States repeatedly has said so. In an unbroken chain of opinions reaching back to 1883, the Court has ruled that the amendment prohibits only those acts of discrimination that may be charged to the States themselves in such areas as voting rights, jury service, and access to public institutions. The amendment says that "no State" shall deny equal protection. What individuals do is their own business. But suppose—as this bill proposes—that individual acts "take on the character of State acts"? In this event, the smallest retail establishment, the humblest soda fountain, "takes on the character" of the State itself. In effect, it becomes an agency of the State. Its acts are State acts. Its denials are State denials. And in this fateful moment, the ancient distinctions between private property and public agencies fly out the window. Under the precedent here proposed, private property, as such, in this regard will have ceased to exist.

This is the very crux of Title II of the President's bill. These easy "findings" do not affect the South alone. They affect every State, every locality, every businessman. In this mad confusion of

the Commerce Clause and the 14th Amendment, nothing makes sense. The alleged acts of racial discrimination by private business establishments simultaneously are found to be burdens upon interstate commerce and denials of equal protection by the States themselves.

The final finding reflects this confusion:

(i) The burdens on and obstructions to commerce which are described above can best be removed by invoking the powers of Congress under the 14th Amendment and the commerce clause of the Constitution of the United States to prohibit discrimination based on race, color, religion, or national origin in certain public establishments.

We invite the thoughtful reader to go back and read that paragraph once again. Ostensibly, the bill is here concerned with "burdens on and obstructions to" commerce. The power of the Congress in this area derives from Article I, Section 8, vesting in Congress the power "to regulate commerce among the several States." But the object of this bill is not really to regulate commerce. The object of the bill, in its own revealing words, is "to prohibit discrimination." The Commerce Clause is here being deceptively adapted not to commerce, but to social reform.

The substantive provisions of the President's bill then are set forth:

Sec. 202. (a) All persons shall be entitled, without discrimination or segregation on account of race, color, religion, or national origin, to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the following public establishments:

And the bill sets them forth. We put them line by line, the better to emphasize the sweep of this bill. The law, by its own terms, is to apply to:

Every hotel,

Every motel,

Every other public place engaged in furnishing lodging to transient guests, including guests from other States or

traveling in interstate commerce;

Every motion picture house,

Every theater,

Every sports arena,

Every stadium,

Every exhibition hall, do have no defined list (1)

Every other public place of amusement or entertainment which customarily presents motion pictures, performing groups, athletic teams, exhibitions, or other sources of entertainment which move in interstate commerce; and

Every retail shop,

Every department store,

Every market,

Every drugstore,

Every gasoline station, and

Every other public place which keeps goods for sale;

Every restaurant,

Every lunchroom,

Every lunch counter,

Every soda fountain, and

Every other public place engaged in selling food for

consumption on the premises; and

Every other establishment where goods, services, facilities, privileges, advantages, or accommodations are held out to the public for sale, use, rent, or hire.

Then follows the superficial saving grace of "if." The provisions of Section 202 are to apply to such establishments "if"

(1) The goods, services, facilities, privileges, advantages, or accommodations offered by any such place or establishment are provided to a substantial degree to interstate travelers, or

(2) a substantial portion of any goods held out to the public by any such place or establishment for sale, use, rent, or hire has moved in interstate commerce

There are two other such provisions, but it is needless to quote them. The second proviso impales the smallest hotdog stand upon the transportation of its mustard. There is not a neighborhood soda fountain in American, not a dress shop, not a hat shop, not a beauty parlor, not a single place or establishment beyond the tiniest roadside stand of which it may be said that a substantial portion of its goods, held out for sale or use, has not moved in interstate commerce.

We would urge thoughtful Americans, wherever they may live, whatever their views may be on questions of race relations, to ponder the twisted construction here placed upon the Commerce Clause. When the Congress first began to regulate commerce among the several States, the object was to regulate the carriers in which the goods were hauled. In time, a second area of regulation developed, as the nature of the goods themselves came into the congressional power. Then a third area developed, as Congress sought to regulate the conditions under which the goods themselves were manufactured.

In this bill, a fourth area is opened up. It is as wide as the world. Here the Congress proposes to impose a *requirement to serve*. Heretofore, such a requirement has been imposed solely in the area of public service corporations—the telephone companies, electric power companies, gas and water companies—the companies that operate as regulated public utilities. Now the restricted class of public service corporations is to be swept aside. Here Clancy's Grill and Mrs. Murphy's Hat Shoppe are equated with AT&T. The neighborhood drug store is treated as the gas company: *It must serve*. Within the realm of Section 202, the owner has no option, no right of choice. Yes, he may reject drunks, rowdies, deadbeats. But his right to discriminate by reason of race or religion—or any other related personal reason—is denied him under the pain of Federal injunction and the threat of prison sentence for contempt of court.

At this point in our argument the Virginia Commission would beg the closest attention: We do not propose to defend racial discrimination. We do defend, with all the power at our command, the citizen's right to discriminate. However shocking the proposition may sound at first impression, we submit that under one name or another, this is what the Constitution, in part at least, is all about. This right is vital to the American system. If this be destroyed, the whole basis of individual liberty is destroyed. The American system does not rest upon some "right to be right," as some legislative majority

may define what is "right." It rests solidly upon the individual's right to be wrong—upon his right in his personal life to be capricious, arbitrary, prejudiced, biased, opinionated, unreasonable—upon his right to act as a free man in a free society.

We plead your indulgence. Whether this right be called the right of free choice, or the right of free association, or the right to be let alone, or the right of a free market place, this right is essential. Its spirit permeates the Constitution. Its exercise colors our entire life. When a man buys union-made products, for that reason alone, as opposed to non-union products, he discriminates. When a Virginian buys cigarettes made in Virginia, for that reason alone, as opposed to cigarettes made in Kentucky or North Carolina, he discriminates. When a housewife buys a nationally advertised lipstick, for that reason alone, as opposed to an unknown brand, she discriminates. When her husband buys an American automobile, for that reason alone, as opposed to a European automobile, he discriminates. *Every one of these acts of "discrimination" imposes some burden upon interstate commerce.*

The examples could be endlessly multiplied. Every reader of this discussion will think up his own examples from the oranges of Florida to the potatoes of Idaho. And the right to discriminate obviously does not end with questions of commerce. The man who blindly votes a straight Democratic ticket, or a straight Republican ticket, is engaged in discrimination. He is not concerned with the color of an opponent's skin; he is concerned with the color of his party. Merit has nothing to do with it. The man who habitually buys the *Times* instead of the *Herald Tribune*, or *Life* instead of *Look*, or listens to Mr. Bernstein instead of to Mr. Presley, is engaged in discrimination. Without pausing to chop logic, he is bringing to bear the accumulated experience—the prejudice, if you please—of a lifetime. Some non-union goods may be better than some union goods; some Democrats may be better than some Republicans; some issues of *Look* may be better than some issues of *Life*. None of this matters. In a free society, these choices—these acts of prejudice, or discrimination, or arbitrary judgment—universally have been regarded as a man's right to make on his own.

The vice of Mr. Kennedy's Title II is that it tends to destroy this concept by creating a pattern for Federal intervention. For the first time, outside the fully accepted area of public utilities, this bill undertakes to lay down a compulsion to sell.

We raise the point: If there can constitutionally be a compulsion to sell, why cannot there be, with equal justification, a compulsion to buy? In theory, the bill is concerned with "burdens on and obstructions to" commerce. In theory, the owner of the neighborhood restaurant imposes an intolerable burden upon interstate commerce if he refuses to serve a white or Negro customer, as the case may be. But let us suppose that by obeying some injunction to serve a Negro patron, the proprietor of Clancy's Grill thereby loses the trade of ten white patrons. In the South, such a consequence is entirely likely; it has been demonstrated in the case of Southern movie houses. Can it be said that the refusal of the ten whites imposes no burden on interstate commerce? Plainly, these ten intransigent customers, under the theory of this bill, have imposed ten times as great a burden on commerce among the several States. Shall they, then, be compelled to return to Clancy's for their meals? Where does this line of reasoning lead us?

How would all this be enforced? Under Title II, the Attorney General would be required to investigate complaints of denial of service. Persistent acts of discrimination would be prohibited by Federal injunctions, obtained in the name of the United States. Any person who attempted to interfere with Clancy's decision would be subject to individual injunction. And at the end of every such proceeding lies the threat of fine or imprisonment for contempt of court. *There would be no jury trials.*

This has been a very abbreviated summary of the "public accommodations" features of the President's bill. A definitive analysis could be much extended. Not only is the Commerce Clause distorted beyond recognition, the provisions of the Fourteenth Amendment also are warped to cover individual action as opposed to State action. Our hypothetical Clancy could not call upon the police to eject an unwanted customer, trespassing upon his booths and tables. Reliance upon local police to enforce old laws of trespass, under this bill, would be regarded as an exercise of "State action." Clancy has become the State. Like Louis of old, he too may say, "L'état, c'est moi."

TITLE III—DESEGREGATION OF PUBLIC EDUCATION

Title III of the President's bill goes far beyond all decisions of the Supreme Court in the field of school desegregation, for it im-

plicitly, couples (the formal desegregation) of public schools in the South with the elimination of "racial imbalance" in schools throughout the land. The bill proposes to achieve these aims by vesting broad new powers in the Commissioner of Education and the Attorney General. Even private schools, if their pupils received tuition grants from a governmental source, would be brought into line. The opening provisions of Title III authorize the Commissioner, upon application from local school officials, to engage in a wide variety of programs of advice, technical assistance, grants, loans, contracts, and training institutes. The Commissioner would control the amounts, terms, and conditions of such grants. They would be paid on the terms he prescribed. He alone would fix all "rules and regulations" for carrying out these programs to promote desegregation and to relieve "racial imbalance." Presumably, the authority of Congress to promote this busywork for the Commissioner is to be found in the fifth section of the 14th Amendment. This is the section that empowers Congress to adopt "appropriate legislation" in support of the Equal Protection Clause. If the Equal Protection Clause truly were intended to prohibit a State from maintaining racially separate public schools, such legislation perhaps would be appropriate. The history of public education in the United States, in the years immediately following the purported ratification of the 14th Amendment in 1868, utterly denies any such intention. To this day, no law of the United States requires desegregation. These programs of the Commissioner of Education are cart before horse; they are the sort of programs that would implement a law if there were a law, but there is no law. There is the Supreme Court's opinion of 1954 in *Brown v. Board of Education*, and there are other high court opinions emanating from it, but impressive and historic as these decisions may be, they are still no more than judgments binding named defendants in particular lawsuits. It should be emphasized, again, that these decisions have nothing to do with "racial imbalance" in public schools. They are limited to judgments requiring that the States shall not deny to any person on account of race the right to attend any school it maintains. The shifting of students from school to school in order to "remove racial imbalance," with or without federal aid and regulation, is not within the ambit of the desegregation decisions. Under this gross distortion of the 14th Amendment, school children throughout the country would become pawns in a game of power politics.

It seems to us desirable to keep this distinction in mind, between laws enacted by the Congress, and judgments imposed by the court. The Constitution is the supreme law of the land, but when the court acts in a suit arising under the Constitution it acts judicially, not legislatively. If local school boards throughout the South are to be prohibited by law from maintaining separate school systems, a law must be passed "pursuant to the Constitution" to impose such a prohibition. Until then, any such grants and loans and training programs as these would appear premature. And we would take the position, in the light of the history of the 14th Amendment, that such a law would not be "pursuant to the Constitution." It would violate the plain intention both of those who framed the amendment and also of the States that ratified it. Such legislation would not be "appropriate" legislation.

Meanwhile, we do not intend to be captious or legalistic. The *Brown* decision has been treated as if it were, indeed, legislation. For good or ill, the desegregation of public schools proceeds. These particular provisions of Title III are better subject to criticism simply as manifestations of the bureaucratic Federal sprawl.

More serious, in our view, are the provisions of Title III that would vest elaborate new powers in the Attorney General. The effect of these provisions would be to throw the entire massive weight of the Department of Justice, with its unlimited resources, into the scales of almost any parent in search of a free lawsuit. The basic complaint would be that some local school board "had failed to achieve desegregation." But as we have tried to point out, in the overwhelming majority of school districts in the South, there is now no legal requirement that local school boards even attempt to achieve desegregation. Before there can be a failure of a duty, there must first be a duty. These provisions of the bill simply assume the duty, and leap to its failure.

Our apprehension is that the awesome power here proposed, for a proliferation of suits in the name of the United States, would create more turmoil than it would settle. The "orderly progress of desegregation in public education" would not be enhanced, but impaired, as resentments were stirred up that otherwise might be peacefully resolved. And we cannot see the end to the bureaucracy that could be required to prosecute suits "in the name of the United States," once this precedent were set in the single area of school desegregation.

TITLE IV—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

This title would create a new Federal agency, the "Community Relations Service," headed by a director at \$20,000 a year. Presumably, it would fulfill some functions not now fulfilled by the Civil Rights Commission, the President's Fair Employment Practices Committee, the established churches and various civic bodies, the countless racial commissions around the country, and the civil rights division of the Department of Justice. The duties of this Service would be "to provide assistance to communities *and persons therein* in resolving disputes, disagreements, or difficulties relating to discriminatory practices." [Emphasis supplied].

We are not inclined to haggle over the amount of time, energy and money that might be wasted by one more Federal agency in the civil rights field. We do call attention to the italicized language. In our own view, it simply is not the function of Congress, under any provisions of the United States Constitution, to dispatch Federal agents to countless communities in order to resolve racial disagreements among "persons therein."

TITLE V—COMMISSION ON CIVIL RIGHTS

The Virginia Commission on Constitutional Government expresses neither opposition to nor support of Title V of the President's bill. This portion of the bill would extend the life of the Commission on Civil Rights to November 30, 1967, and would lay down certain standardized rules for its further hearings and investigations.

In our own view, the Commission on Civil Rights has contributed little or nothing toward the unraveling of the knotty tangles of race relations in the United States. Its recommendations in the spring of 1963, proposing the withdrawal of grants, loans, and even contracts from Southern States that did not meet its own notions of right conduct, amounted to an outrageous proposal for denial of the very equal protections it professes to support. We perceive no useful achievements of this Commission, but we raise no constitutional objections to its continuance.

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Title VI of the President's bill is not long. It had perhaps best be quoted in full:

Sec. 601. Notwithstanding any provisions to the contrary in any law of the United States providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance, guaranty, or otherwise, no such law shall be interpreted as requiring that such financial assistance shall be furnished in circumstances under which individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religion, or national origin or are denied participation or benefits therein on the ground of race, color, religion, or national origin. All contracts made in connection with any such program or activity shall contain *such conditions as the President may prescribe* for the purpose of assuring that there shall be no discrimination in employment by any contractor or subcontractor on the ground of race, color, religion, or national origin. [Emphasis supplied].

The thinly veiled intimidation of Title VI goes back to a statement made by Attorney General Robert Kennedy in London in October of 1962. At that time, he speculated publicly that a threat to withdraw Federal subsidies, grants, loans, and contracts might be used as a club over the Southern States. Mr. Kennedy was quick to point out that such a threat would have to be used with great delicacy. He seemed unsure of its desirability. He did not defend its constitutionality. He was just thinking aloud.

In April of 1963, the Civil Rights Commission evidenced no such finesse. The Commission recommended flatly to the President that he seek power to suspend or cancel either all, or selected parts of, the Federal financial aid that now flows to such States as Mississippi, "until [such States] comply with the Constitution and laws of the United States." It was unclear precisely how a judicial determination would be reached that entire States had failed to comply with the Constitution and laws of the United States, but this small question of due process apparently troubled the Commission not at all.

The question troubled Mr. Kennedy. In his press conference of April 17, the President blinked at this startling proposal and turned away from it:

I don't have the power to cut off aid in a general way as was proposed by the Civil Rights Commission, and I would think it would probably be unwise to give the President of the United States that kind of power because it could start in one State and for one reason or another might be moved to another State which has not measured up as the President would like to see it measure up in one way or another.

It is a fair question to ask what happened. What happened between April 17, when the President voiced these comments at his press conference, and June 19, when his majority leader introduced his Civil Rights Bill? How did a power that was "probably unwise" in April become a power that was "essential" in June? The obvious answer is that the interim was marked by widespread racial demonstrations. But it is not pleasant to conclude that the President of the United States may be coerced, intimidated, or black jacked into changing his mind so swiftly on a legislative proposal of fateful importance. What happened?

We earnestly submit that the punitive terms of Title VI of this bill threaten gross violation of every principle of due process of law. No provision whatever is made for determining when individuals "participating in or benefitting from" various programs are "discriminated against." The two sentences of this Title define no terms. They propose no judicial inquiry. They leave hundreds of millions of dollars in "Federal funds," paid for by all of the people—black, white, Liberal, Conservative—at the uncontrolled discretion of the President or someone else who may determine this "discrimination."

These programs include aid to dependent children, aid to the blind, aid to the permanently disabled. They include funds for vocational education, hospital construction, public housing, the insurance of bank deposits. Federal personnel would be authorized to supervise loans by banks and building and loan associations, farm financing of all kinds, government subsidies, conservation programs, small business loans and contracts in any activity affected by government loans, insurance, guaranties, or grants. If a Federal agency made an administrative finding that discrimination exists, Federal support

could be withdrawn and the institution or program wrecked.

To permit a President—any President—to suspend such programs on his own unchecked conclusion that certain beneficiaries are “discriminated against” would violate the whole spirit of uniformity that pervades the Constitution. The supreme law of our land provides that “direct taxes shall be apportioned among the several States according to their respective numbers.” Duties, imposts and excises “shall be uniform throughout the United States.” There must be a “uniform rule of naturalization” and “uniform laws on the subject of bankruptcies.” Many other provisions attest this same concept of equal treatment among the States.

Only by a fantastic distortion of the congressional power under the 14th and 15th Amendments could this Title VI be justified. Its effect would be to penalize the many for the occasional unlawful conduct of the few. Its potential application would jeopardize the very lives and well-being of thousands of innocent and law-abiding persons, including veterans, blind persons, and disabled persons, in order to bludgeon a handful of State officials into line with a President's desires.

It seems to us sufficient merely to quote the language of this tyrannical Title of the President's bill. The language speaks most eloquently for itself.

TITLE VII—COMMISSION ON EQUAL EMPLOYMENT OPPORTUNITY

This final substantive section of the bill authorizes the President to establish a “Commission on Equal Employment Opportunity.” This permanent agency of the government would be headed by the Vice President; the Secretary of Labor would serve as vice chairman. There would be up to 15 members in all. An executive vice chairman would run the operation. The Commission would be empowered to employ “such other personnel as may be necessary.” The bill defines the commission's duties:

It shall be the function of the Commission to prevent discrimination against employees or applicants for employment because of race, color, religion, or national origin by Government contractors and sub contractors, and by contractors and sub contractors participating in programs or activities in which

direct or indirect financial assistance by the United States Government is provided by way of grant, contract, loan, insurance, guaranty, or otherwise. The Commission shall have *such powers to effectuate the purposes of this title as may be conferred upon it by the President*. The President may also confer upon the Commission *such powers as he deems appropriate* to prevent discrimination on the ground of race, color, religion, or national origin in Government employment. [Emphasis supplied].

Again, it seems to us necessary merely to quote the provisions of the bill in order to make their autocratic nature evident to every thoughtful observer. The power here proposed to be conferred upon the President is virtually unlimited. No legislative limitations of any sort are suggested. The President may confer upon the Commission "such powers as he deems appropriate." And whether these include the power to impose criminal sanctions, or to seek civil injunctions, or to abrogate contracts awarded under sealed bid, no man can say. The Commission's powers would be whatever the President regarded as appropriate; and the definition of "government employment" is as wide as the Federal budget itself. The administration's bill proposes, in effect, that the Congress abdicate, and turn its legislative powers over to the White House. The powers here demanded are not the powers rightfully to be exercised by a President in a free country. These are the powers of a despot.

* * *

There is a final Title VIII in the bill, authorizing the appropriation of "such sums as are necessary to carry out the provisions of this Act." What these sums might amount to, again, no man can say.

This is the package Mr. Kennedy has asked of the Congress. He has asked it in an emotional hour, under the pressures of demonstrators who have taken violently to the streets, torch in hand.

We of the Virginia Commission ask your quiet consideration of the bill. And we ask you to communicate your wishes to the members of the Congress who represent you in the House and Senate.

Richmond,
August, 1963.



Members of the Virginia Commission on
Constitutional Government:

- DAVID J. MAYS, *Chairman*, Richmond, Va.
Attorney; Pulitzer Prize winner for historical biography.
- JAMES J. KILPATRICK, *Vice Chairman*, Richmond, Va.
Editor, *The Richmond News Leader*; author.
- ALBERTIS S. HARRISON, JR., Richmond, Va.
Ex-officio member of Commission; Governor, Commonwealth of Virginia.
- E. ALMER AMES, JR., Onancock, Va.
Attorney; member Virginia Senate; Vice-President and Director, First National Bank, Onancock, Va.
- HALE COLLINS, Covington, Va.
Attorney; member Virginia Senate.
- W. C. (DAN) DANIEL, Danville, Va.
Business executive; member Virginia House of Delegates; past National Commander, American Legion.
- JOHN A. K. DONOVAN, Falls Church, Va.
Attorney; member Virginia Senate; General Counsel and Director, Security National Bank, Fairfax County, Va.
- J. SEGAR GRAVATT, Blackstone, Va.
Attorney; Trial Justice for Nottoway County, Va.
- FREDERICK T. GRAY, Richmond, Va.
Attorney; former Attorney General of Virginia.
- BURR P. HARRISON, Winchester, Va.
Attorney; former member of the United States Congress.
- EDGAR R. LAFFERTY, JR., King William, Va.
Business executive; farmer.
- GARNETT S. MOORE, Pulaski, Va.
Attorney; member Virginia House of Delegates.
- WILLIAM T. MUSE, Richmond, Va.
Dean, T. C. Williams School of Law, University of Richmond; author.
- W. ROY SMITH, Petersburg, Va.
Business executive; member Virginia House of Delegates.
- W. CARRINGTON THOMPSON, Chatham, Va.
Attorney; member Virginia House of Delegates.
- WILLIAM L. WINSTON, Arlington, Va.
Attorney; member Virginia House of Delegates.

Q.—(From May Craig, the Portland Press Herald) Mr. President, do you think that Mrs. Murphy should have to take into her home a lodger whom she does not want, regardless of her reason, or would you accept a change in the civil rights bill to except small boarding houses like Mrs. Murphy?

A.—The question would be, it seems to me, Mrs. Craig, whether Mrs. Murphy had a substantial impact on interstate commerce. [Laughter]. Thank you.

—The Press Conference,
July 17, 1963.



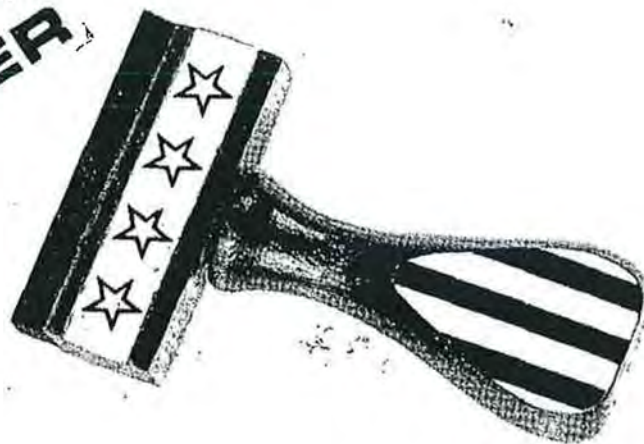
Additional copies of this commentary may be obtained on request to the Virginia Commission on Constitutional Government, Travelers Building, Richmond, Virginia. The Commission is an official agency of the Commonwealth of Virginia, created by act of the General Assembly in 1956. Up to 10 copies no charge; 50 copies \$5.00; 100 copies \$9.00; 1,000 copies \$75.00.

~~62-0-64758~~
62-109151-2

BLUEPRINT FOR TOTAL FEDERAL REGIMENTATION

Analysis of the Civil Rights Act of 1963

**POWER
POWER
POWER
POWER**



By Loyd Wright & John C. Satterfield

Single copies of this booklet may be obtained, free, by writing the Co-ordinating Committee for Fundamental American Freedoms, Inc., Suite 520, 301 First Street, N.E., Washington, D. C. Phone 543-7100. Quantities are available at nominal cost.

BLUEPRINT FOR TOTAL FEDERAL REGIMENTATION

This pamphlet concerns you, if you: Own a home • Are an employer or an employee • Belong to a union • Work under civil service (Federal or State) • Pay a license tax to a State or city • Offer goods or services to the public (business or professional) • Borrow money from a bank • Deposit money in a bank • Benefit from any Federal farm program • Have a child in school • Vote • Receive or expect to receive: Social Security, veterans' benefits, old age pensions, retirement benefits.

Note : Although many of the major features of "The Civil Rights Act of 1968" are unconstitutional on their face, this review is limited to a discussion thereof as if the proposals were constitutional and became law. Any portion of this analysis may be reproduced or used with or without quotation or credit.

Blueprint for Total Federal Regimentation

Analysis of

"THE CIVIL RIGHTS ACT 1963"

BY LOYD WRIGHT *and* JOHN C. SATTERFIELD*

On June 19, 1963, there was sent to Congress a package of legislation known as "The Civil Rights Act of 1963" (SB-1731 and HR-7152) which Attorney General Robert F. Kennedy is now urging Congress to pass. It has little resemblance to the Administration's Civil Rights Act of 1963 introduced on April 4, 1963. It is 10% Civil Rights and 90% extension of Federal executive power. If this legislation becomes law and is upheld by the Courts—

- It will, in fact, extend Federal control over businesses, industry and over individuals (with a corresponding destruction of State power) in a degree that exceeds *the total of such extensions* of power by all judicial decisions and all Congressional actions since the Constitution of the United States was adopted.

- It will, in fact, destroy the Constitutional checks and balances between the Federal Government and the States; and

**Lloyd Wright is a member of the firm of Wright, Wright, Goldwater and Mack of Los Angeles, California and is a member of the American Bar Association.*

John C. Satterfield is a member of the firm of Satterfield, Shell, Williams and Buford of Jackson, Mississippi and is a member of the American Bar Association.

This analysis has been prepared by Mr. Wright and Mr. Satterfield in their individual capacities. Mr. Wright is not a member of the Co-ordinating Committee for Fundamental American Freedoms, Inc.

- It will, in fact, destroy the Constitutional checks and balances between the Executive branch of the Federal government and the Legislative and Judicial branches.

- The "civil rights" aspect of this legislation is but a cloak; uncontrolled Federal Executive power is the body.

It is well that the true nature of this proposed Act be understood by every interested citizen. To that end the following analysis has been prepared.

The Civil Rights Act of 1963 is skillfully drawn with the patent, deliberate intent to destroy all effective constitutional limitations upon the extension of Federal governmental power over individuals and the States. It draws within the ambit of Federal control, all material phases of such governmental regulation and vests it largely in the Executive branch.

It does so in the following manner:

- a) By classifying as "public establishments" all businesses which offer goods or services to members of the public. (This status heretofore, has been held to apply only to utilities operating under a public franchise.)
- b) By finding that every action of every person or corporation paying a license tax to the State becomes "State action" and, therefore, subject to Federal regulation under the 14th Amendment, and
- c) by drawing under Federal control (as interstate commerce) all "establishments" where a substantial portion of the goods sold or used, or of the customers or clients served, have travelled in interstate commerce.

None of these *new* findings are limited to race. They would be effective for all purposes.

Federal regulation and control is established *to the exclusion of State regulation* not only by the above extension of "interstate commerce," but also through the finding that the action of every person or corporation "licensed or protected" by the State constitutes "State action" and thus becomes subject to Federal regulation under the 14th Amendment. These would include about 99 per cent of the Nation's business and professional establishments. It also grants unlimited authority to the President and his appointees to manipulate for political purposes every form of Federal financing, "by contract, grant, loan, guaranty, insurance, or otherwise."

Unlimited Federal Power Over Individuals and Business

There are more than one hundred Federal agencies administering Federal financial programs or activities by way of "grant, contract, loan, insurance, guaranty or otherwise." All acts creating such agencies and appropriating the monies therefor are amended by this bill to give authority to administrative personnel to withhold, restrict or deny participation in such programs or activities.

There are hundreds of thousands of professional men, individual business men and small businesses not now engaged in interstate commerce nor subject to Federal control under the Fourteenth Amendment which affects only "state action." The control of those engaged in interstate commerce has been heretofore largely limited to legitimate business purposes. If this legislation is enacted and upheld, the Constitution of the United States will have been amended (or nullified) by the deadly combination of legislative and judicial action, and the basis will have been laid for every individual who pays a license to the state or municipality and every private corporation organized under state law to become subject to control of Federal personnel to bring about sociological and political ends.

The proposed legislation lays the groundwork for Federal control over business, industry, individual citizens and the states, as follows:

—By legislative definition, extension of the interstate commerce clause to draw under Federal control all establishments where a substantial portion of the goods sold or used or of customers or clients served have traveled in interstate commerce

—Placing under Federal control practically all employers and employees in the United States, with power to destroy seniority in unions, civil service and company employment and to dictate promotions, demotions and employment practices.

—Placing under Federal control every individual, corporation or association which pays a license tax to a state or municipality.

—Extending Federal control to every act of every private corporation formed under state statutes, upon the theory that States "license and protect" all corporations.

—Granting Federal authority to exercise financial and other controls over education at every level from grade school through graduate school and authorizing the United States Commissioner of Education to supervise State and local education.

—Authorizing manipulation of all Federal financial assistance “in connection with any program or activity by way of grant, contract, loan, insurance, guaranty or otherwise” to control all persons “participating in or benefiting from” such programs. This includes all agricultural programs, construction and sale or leasing of homes, banks served by the FDIC, labor unions, industries having government subsidies or contracts, veterans benefits, social security, etc.

—Extending Federal control over all “general, special or primary elections held . . . for the purpose of electing . . . any candidate for public office.”

—Varying long accepted and recognized judicial procedures to give Federal control over voting without a final adjudication or even a hearing.

—Setting up a new Federal agency to meddle in community affairs and extending powers of the present Commission on Civil Rights to exert Federal pressure against individuals, municipalities and States.

—Setting up a new Federal agency and extending powers to the present Commission on Civil Rights to exert Federal pressure against individuals, municipalities and States.

—Permitting sanctions and penalties by administrative action without judicial process. Where judicial process is provided, jury trials are denied.

Banks, Their Borrowers and Depositors and Other Financial Institutions

Title VI amends every act of Congress “providing or authorizing direct or indirect financial assistance for or in connection with any program or activity by way of grant, contract, loan, insurance guaranty, or otherwise.” The Federal Reserve System, The Federal Home Loan System, the banks and other institutions served by the Federal Deposit Insurance Corporation, small business loans, all loans such as VA, FHA, PHA, FNMA and CHA loans are among the programs included. The blanket amendment covers not only the financial institutions, but their borrowers and customers who “participate in or benefit from the program or activity,” including home owners, businesses, realtors, developers, contractors and subcontractors, as well as municipal authorities.

All of these institutions and persons are placed under the control of such administrative agency or agencies as may be designated by Executive Orders of the President or Administrative Regulations by the several agencies. Blanket authority is inherent in the Act to provide sanctions,

such as the calling of loans, the withdrawal of support of the FDIC, the withdrawal of credit by the Federal Reserve or Federal Home Loan Boards, the blacklisting for undetermined periods of banks, savings and loan associations, contractors, realtors, or any persons "participating in or benefiting from the program or activity." The authority as to contractors is not limited to government contractors, but includes all contractors connected with any such program or activity.

The broad terms of the Act would permit withdrawal of credit, support or calling of loans and blacklisting of institutions by areas or states, regardless of the actions of individual entities. Financial life or death of almost every financial institution in the United States would be in the hands of one man i.e. the President of the United States, and his appointees.

Every major financial establishment in the country would be transformed from a business institution to an institution for social and political reform, required to carry out the dictates of Federal personnel placed in charge of examining their procedures. The judgment of Federal inspectors appointed to bring about social reforms would supersede the judgment of the loan committees and would require that loans be made, contracts or businesses financed and policies followed to prevent "discrimination" as found by the Federal agency. No judicial proceeding would be required. Administrative procedures would be used. *These institutions would be subject to the Federal FEPC described later herein.*

Federal administrative personnel would be the prosecutor, the judge, the jury and the executioner.

Agriculture

In addition to the programs just mentioned, the Act would govern the Farm Credit Administration including Federal Land Banks and Banks for Cooperatives, Commodity Credit Corporation, Soil Conservation Service, Federal Crop Insurance Corporation, Farmers Home Administration, Rural Electrification Administration, Forestry Service, Agricultural Research Service, Extension Service and the Agricultural Marketing Service.

This proposal authorizes issuance of executive orders or administrative regulations, under which financing could be withheld, loans called, guaranties or insurance withdrawn and programs discontinued in whole or in part upon an administrative finding that any "individuals participating in or benefiting from the program or activity are discriminated against on the ground of race, color, religious or national origin." The President is given unlimited authority to prescribe conditions to be placed in "all

contracts made in connection with any such program or activity" to assure that there shall be no discrimination in employment by any contracting party. Punitive action may apply to individuals, associations, areas or states.

This Act will also place under Federal supervision and regulation all establishments by farm organizations where goods, services, facilities, privileges or advantages are held out to the public for sale, use, rent or hire, which are "licensed or protected" by the state, i.e. pay a privilege license to the state, if they fall within a very greatly broadened definition of interstate commerce—far beyond the definitions adopted by the Supreme Court. Almost every farm organization in the country would be affected.

All persons having contracts in agricultural or other programs or activities affected directly or indirectly by Federal grant, loan, insurance or guaranty are subject to the Federal FEPC hereinafter described.

Federal administrative personnel would be the prosecutor, the judge, the jury and the executioner.

Business, Industry and Professional Services

Through a combination of (a) an unprecedented extension of the interstate commerce clause, (b) the application of Federal control to actions of every individual or corporation paying a license or privilege tax to a state (under the rejected theory that by the payment of such tax individual action becomes state action), and (c) the manipulation of Federal financial power, this act would constitute an extension of Federal power over individuals and business exceeding all that which has come about by judicial decision and Congressional enactment from 1787 to 1963. The extension is so vast it can only be outlined briefly here.

Under Title VI all agencies administering all Federal programs or activities are granted authority by this act to withhold, restrict or deny participation therein on the ground that discrimination is practiced by the person or business involved, by certain segments of the industry or business or within the area of the state in which the business or industry is located.

Under the definitions and classifications contained in Titles II and VI, it appears that 99 per cent of the businesses in the United States would be subjected to Federal control.

A partial enumeration of those businesses particularly mentioned by name in the Act are retail shops, department stores, markets, drug stores, gasoline stations, restaurants, motion picture houses, theaters, stadia, exhibition halls or other public places of amusement, hotels, motels or lodging places, and *any other establishment where goods, services, facilities, privileges, advantages or accommodations are held out to the public for sale, use, rent or hire.* Even if the business does not fall within the broad definition of the Act, it is covered if connected with and located contiguous to or on the premises occupied by an establishment so included. *All lawyers, doctors, insurance agents, realtors, engineers and other professional men maintain an office ("establishment") where "services . . . are held out to the public for . . . use . . . or hire," and practice their profession by virtue of a license obtained from the state and pay state privilege licenses in many states.* The broad definition of the Act appears to include them. Every private corporation is organized under statutory authority. If the Act is adopted the definitions contained therein would appear to draw every corporation (whether or not engaged in "interstate commerce" or paying a privilege tax to the state) into the theory of "state action" and subject the corporation to Federal regulation and supervision.

The sanctions applicable and the penalties available for use against those found by Federal inspectors to violate Federal orders, include those enumerated above in connection with financial institutions, such as blacklisting, cancellation of contracts or subsidies, calling of loans and cancellation of insurance or guaranties. Where these are inapplicable, fines and imprisonment may be imposed under injunction proceedings, the right of trial by jury is denied. A successful complaining party may be awarded attorneys fees, but a successful defendant may not recover such fees.

Education at Every Level from the Grade School Through Graduate School

In his message transmitting the Act to Congress President Kennedy said: "I have heretofore requested the Congress and request again today the enactment of legislation *to assist education* at every level from grade school through graduate school." The following steps are proposed:

(1) Under Title VI, Federal financial assistance to education would carry with it Congressional approval of Federal control of education by administrative and executive orders, without limitation, without judicial process and without further legislative action. "Assistance" carries with it "control." This is applicable to all existing as well as future programs.

(2) Vocational education in all of its major phases would be taken over by the Federal government at an initial annual cost of between \$400 million and one-billion dollars, if Congress enacts recommendations A through F of paragraph (2) of Section III of the President's message.

(3) A radical and unprecedented departure from the *Brown* decision and all Supreme Court and other court decisions in the field of education is embodied in Title III of the Act. The Federal courts have recognized the right of state and local governments to administer their schools, but by orders and judgments in judicial proceedings have required admission to schools and colleges of qualified students who wished to attend, without discrimination on the basis of race, color or creed. Title III would vest in the Commissioner of Education of the United States administrative control in this field of every public school and college board in the United States through (a) Federal personnel employed by him as "specialists," (b) use of funds administered by him with unlimited right of conditions and restrictions, (c) special Federally devised courses for "teachers, supervisors, counselors and other elementary or secondary school personnel," and (d) suits and injunctions instituted by the Attorney General in the name of the United States with penalties of fine and imprisonment.

(4) *The power given the Commissioner of Education to bring about a removal of "racial imbalance" in public educational institutions at all levels in the United States is also a radical and unprecedented departure from all Supreme Court decisions. The use of Federal administrative authority to force (by means mentioned above) complete race mixing by the transfer and transportation of students from one school to another goes far beyond the court decisions.*

(5) Control by the Federal government of both state and local governments in the educational field is provided in Title III, through the broad power conferred upon the Attorney General to bring suits against state and local governments without any actual limitation whatsoever. The wording used in Section 307 (a) and (b) is designed to permit such suits in the sole discretion of the Attorney General.

Control of State and Local Electoral Machinery

The Act takes the first two steps in Federal control of all state, local and Federal elections including any "general, special or primary election held solely or in part for the purpose of electing or selecting any candidate for public office" within the United States. Section 101 modifies all state laws defining qualifications for voting. It transfers from local officials to Federally appointed "voting referees" the registration and qualification of

voters upon certain allegations being made in suits by the Attorney General without the necessity of proof. It ousts the jurisdiction of local officials under specified circumstances during the pendency of litigation and before trial. *The Attorney General could move into sensitive areas just before a national election, register tens of thousands of voters whose votes would count, even if the appointment of the referees or the registrations were later set aside.*

If this Act is adopted the precedent will be set for Federal take-over of those steps in all state and local elections in the United States recommended by the United States Commission on Civil Rights on pages 15-24 of Volume 6 of its 1961 Report:

- (1) The qualifications of all voters;
- (2) The registration of voters;
- (3) The establishment of voting districts;
- (4) The holding of elections and the counting of votes;
- (5) The establishment of electoral districts;

(6) The authorization of Federal prosecution (with penalties including fine and imprisonment) of state or local officials who, in the opinion of Federal personnel, are guilty of "any arbitrary act or (where there is a duty to act) inaction" in the area of registration, voting or counting of votes in any Federal election, i.e., complete Federal control of state and local officials.

The Federal FEPC

Title VII sets up a Commission "to prevent discrimination against employees or applicants for employment because of race, color, religion or national origin by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance by the United States Government is provided by way of grant, contract, loan, insurance, guaranty, or otherwise." It must not be overlooked that "Government contractors and subcontractors" compose only a very small percentage of those covered.

Those who contract with the United States Government, i.e., who are contractors or subcontractors, in the programs and activities defined above include banks and savings and loans associations (FDIC, Federal Reserve System, deposit of federal funds, etc.), persons entering into loan

contracts through the FHA, VA, PHA, FNMA and CHA, Federal Home Loan Board, Small Business Administration, Federal Land Banks, Banks for Cooperatives, Production Credit Associations, Commodity Credit Corporation, Soil Conservation Service, Farmers' Home Administration, REA, Area Development Administration and also Forestry Service, carriage of mail by airlines or railroads, subsidies of every kind, all colleges, high schools and elementary schools which themselves or through their students directly or indirectly participate in Federal financial programs, to name a few.

All borrowers from banks and all depositors in banks covered by the FDIC are "subcontractors" in Federal financial programs.

Title VII creating the "Commission on Equal Employment Opportunity" does not remotely resemble the conventional state FEPC. Its powers are unlimited. They are described in the Act as "*The Commission shall have such powers to effectuate the purposes of this title as may be conferred upon it by the President.*" It includes not only the hiring of employees, but every element that goes into the relationship of employer and employee. Businesses could be required to go out and recruit Negroes, or Protestants or Catholics or Jews, to end the "racial imbalance" or "religious imbalance" found to exist by Federal inspectors. Complaint by individual employees would not be required. Examination of entire corporate or other business or school personnel could be made by the Commission on its own motion. The Commission could require removal of "racial imbalance" or "religious imbalance" at every level of employment from common and skilled labor, stenographers and clerical workers through the supervisors, the superintendents, the department heads, the vice-presidents and other officers, and the directors of corporations. Calling of loans, cancellation of contracts, withdrawal of FDIC, cancellation of Federal guaranties or insurance, denial of participation in any program followed by a blacklisting of the corporation or institution for one, two or three years or more, revocation of licenses which had been Federally granted, these are some of the sanctions which could be provided by Executive Order. Assessment of damages, reimbursement, restitution, compensation, costs, charges and fees could be included. *Seniority in unions, civil service and company employment would be destroyed.*

As to the despotic and dictatorial authority of the Commission over the several million persons employed in all the ramifications of the United States Government, Title VII contains one short sentence:

"The President may also confer upon the Commission such powers as he deems appropriate to prevent discrimination on the ground of race, color, religion or national origin in government employment."

Federal Control of Individuals

Under Title VI complete authority is vested in the President or his administrative appointees to withhold, restrict or modify every form of "direct or indirect financial assistance for or in connection with any program or activity" of the Federal government. In a letter to the Civil Rights Commission dated April 19, 1963, concerning its proposal to withhold funds because of "discrimination," President Kennedy stated that such withholding of funds would include (using the President's words) "Social Security, Veterans, Welfare, school lunch and other benefits from Federal programs." The proposed Act amends every Act of Congress "providing or authorizing" such programs and activities as veterans' benefits, veterans and civil service pensions, social security benefits, all health, education and welfare programs, every Federal benefit of every kind to every citizen of the United States, so as to permit manipulation of those benefits for the sociological and political ends described in the bill.

Millions of Americans are subjected to Federal control by this Act. It is impossible to estimate the number.

A Man's Home Is (Was?) His Castle

Millions upon millions of Americans live in homes that are mortgaged to banks, savings and loan associations and other financial institutions which themselves, participate in some Federal activity such as the FDIC, Federal Reserve System, etc. These institutions hold more than \$100 billion of such mortgage debt and have assets in excess of \$890 billion.

Under the Civil Rights Act of 1963, this tremendous leverage would be politically perverted so that these institutions—and the home owner—could be forced to bend to the Federal will.

How this leverage would be applied (under Title VI of the Act) on home owners, realtors, savings and loan associations, contractors, banks, municipalities, professional people and others is foreshadowed by Part One of the President's Executive Order 11,063. This order was issued by President Kennedy on November 20, 1962, in the face of six refusals by Congress to grant the right to take such action. It applies to about 30% of home loans. Title VI would grant authority to extend this order to 99% of home building.

In that order the President said, "all departments and agencies in

the executive branch of the Federal government" shall "take all action necessary and appropriate" to enforce the dictates of the Federal government concerning race, *"in the sale, leasing, rental or other disposition of residential property and related facilities (including land to be developed for residential use) . . ."*

To make sure these dictates are carried out, the Executive Order continued, these "departments and agencies" are authorized to "cancel or terminate in whole or in part any agreement or contract with such person, firm or State or local agency providing for a loan, grant, contribution, or other Federal aid, or for the payment of a commission or a fee."

Such "departments and agencies," the Executive Order said, shall "refrain from extending any further aid under any program administered by it and affected by this order until it is satisfied that the affected person, firm, or State or local agency will comply with the rules, regulations, and procedures issued or adopted pursuant to this order, and any non-discrimination provisions included in any agreement or contract."

Such "departments and agencies," the Order added, shall "refuse to approve a lending institution or any other lender as a beneficiary under any program administered by it which is affected by this order or revoke such approval if previously given."

Thus, it is seen, the Civil Rights Act of 1963 (Title VI) would take away from Americans their Constitutional right to own, as private property, the home in which they live. The Federal government would dictate to whom the owner rented a room, leased his home or sold his home. A man's home would no longer be his "castle"; the enervating force of the Federal government would have stripped him of yet another of his Constitutional rights.

Conclusion

The Act clearly violates the Constitution of the United States by extending powers of the Federal government beyond those permitted under the Constitution. It also destroys rights reserved to the States and to the people by granting to the executive department powers which were intended under the Constitution to be within the realm of judicial determination and legislative action. Moreover, it destroys the fundamental system of checks and balances set up in the Constitution. *The Act completely ignores the civil rights and civil liberties of homeowners, busi-*

nessmen, professional men, employers, employees and all persons other than the minorities whose political favor it curries.

Never in the history of nations governed by elected officials has the head of any state demanded the naked untrammelled power embodied in this Act, except when such state was upon the verge of becoming a dictatorship. If it is enacted, the states will be little more than local governmental agencies, existing as appendages of the central government and largely subject to its control. This legislation assumes a totally powerful National Government with unending authority to intervene in all private affairs among men, and to control and adjust property relationships in accordance with the judgment of Government personnel. It is impossible to prevent Federal intervention from becoming an institutionalization of special privilege for political pressure groups. This must lead eventually not to greater human freedom but to an ever-diminishing freedom.

The Act reveals the master plan. If the whole is denied and parts are granted, the plan will be developed step by step through each succeeding Congress. If the whole is granted, the end is not yet. The President's message of June 19 states that "the enactment of the legislation I suggest will not solve all our problems."

The United States of America is at the crossroads. The action we take in the next few months may determine our course in all the years to come.

If you oppose this legislation, The Civil Rights Act of 1963, write your Senators and Congressman immediately and tell them so.

If you want to maintain your personal liberty—your right of free choice—write your Senators (both of them) and your Congressman and tell them you are opposed to The Civil Rights Act of 1963.

THE CO-ORDINATING COMMITTEE FOR
FUNDAMENTAL AMERICAN FREEDOMS, INC.
Suite 520, 301 First Street, N.E., Washington, D. C.

WILLIAM LOEB, *Chairman*
J. J. KILPATRICK, *Vice Chairman*
JOHN C. SATTERFIELD, *Secretary-Treasurer*
JOHN J. SYNON, *Director*

~~62-0-64958~~
62-109151-2

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 12-19-63

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages 23858-23859. Senator Metcalf, (D) Montana, pointed out that recently in Montana weekly newspapers a three-column, page-length advertisement appeared entitled "Civil Rights and Legal Wrongs." Mr. Metcalf stated "This advertisement sponsored by the Coordinating Committee for Fundamental

American Freedom, 301 First Street NE, Washington, D. C., purported to be an analysis of the civil rights bill of 1963 and made such broad charges and obvious distortions relative to that pending legislation that I asked the Department of Justice for comments and analysis." He included the reply he received from Mr. Burke Marshall, Assistant Attorney General, Civil Rights Division. Mr. Metcalf went on to state "I call Mr. Marshall's letter to the attention of my colleagues who may have had the same or a similar advertisement circulated in their State."

62-109151-
NOT RECORDED
170 JAN 6 1964

In the original of a memorandum captioned and dated as above, the Congressional Record for was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

53 JAN 7 1964

Original filed in: 66-1731-24

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : D. C. Morrell *DCM/gm*

SUBJECT: SENATOR LEE METCALF

DATE: 3-6-64

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

b6
b7C

By letter dated 2-28-64, Metcalf, whose relations with the Bureau have been limited in view of his connection with the Communist Party, his attitude and public stands supporting legislation contrary to the Bureau's interest (such as being for the Jencks decision, against legislation to extend coverage of the loyalty program and hiring the daughter of a union official, which union was expelled from CIO as being communist dominated), stated he heard Mr. John J. Synon of the Coordinating Committee for Fundamental American Freedoms, Inc., 301 First Street, N. E., Washington, D. C., has a police record. If so, Metcalf wants to know what it is.

BUFILES: COORDINATING COMMITTEE FOR FUNDAMENTAL

American Freedoms

A John J. Synon, Public Relations Consultant, 1301 Park Avenue, Richmond 20, Virginia, is on the Special Correspondents' List; last outgoing to him was 1-9-63 when he requested information on juvenile delinquency in connection with a speech he was preparing for T. Coleman Andrews of the Internal Revenue Service who was a Presidential candidate in 1956 on the extreme right-wing (income tax abolishment) ticket. Synon was placed on the Special Correspondents' List per instructions of Mr. Tolson on 3-27-59 when we wrote to Mr. John Synon at the "Press Democrat" newspaper, Santa Rosa, California. Synon, in his column of 3-13-59 entitled "A Tribute to Hoover and the FBI," wrote an extremely laudatory column about Mr. Hoover and the Bureau. The San Francisco Office in requesting that a letter of appreciation be directed to Mr. Synon pointed out that he had been the Republican candidate for Congress from the First Congressional District in the 1958 primary election but was not elected. He was formerly an Executive Secretary to former Governor Goodwin K. Knight of California. The Director's letter of appreciation to Synon was dated 3-27-59.

According to a clipping in the "Washington Evening Star" of 2-17-60, a new political group was formed on Capitol Hill called Americans for Conservative Action. John J. Synon was listed as Assistant Director of ACA which was self-characterized as the direct opposite of Americans for Democratic Action and President Eisenhower _____ was one of its trustees. Synon was identified as a former newspaperman who was the unsuccessful "right to work" candidate for the Republican House nomination in California's First District in 1958.

- 1 - Mr. Tolson - Enclosure
- 1 - Mr. DeLoach - Enclosure

MCT-43

1 62 109/51
NOT RECORDED
170 MAR 16 1964

6 MAR 13 1964

BTP:mlk (5)

ORIGINAL FILED IN 94-55797

Morrell to DeLoach Memo
RE: Senator Lee Metcalf

The current Washington, D. C., telephone directory does not contain a listing for Americans for Conservative Action; however, it does contain a listing for a John J. Synon at First and C Streets, N. E., telephone number 543-7100. A pretext call to this number on 12-12-63 revealed this was also the telephone number for Fundamental American Freedoms and that John J. Synon was then out of town on a speaking engagement. Little information appears in Bufiles concerning the FAF. A Louisiana Chapter and a Washington, D. C., paper mentioned its purpose as that designed to defeat civil rights legislation.

✓ In the recent past, the Patrick Henry Group of Richmond, Virginia, has come to our attention and Richmond Office advised 1-30-64 that this Group's post office box was applied for by John J. Synon, 1301 Park Avenue, (Same address as SCL Synon) and the only public figure is [redacted]. They are in support of states rights and their idol is Senator Harry F. Byrd of Virginia. ✓ Records on Synon reflect that he was campaign manager for Governor Knight and former secretary to Governor Warren in California. Synon's writings subsequently have been extremely critical of Chief Justice Earl Warren. b6 b7C

✓ FBI Identification Record No. 1035295 for a John J. Synon reflects approximately 15 drunk arrests between 1934 and 1943 in various parts of the country with the later arrests in California. In 1944, several applicant prints were received from California and no other activity is reflected until October, 1954, when an inquiry was submitted by the California State Bureau. This Synon's birth date is 10-17-09 in Norfolk, Virginia, and the Synon of Richmond on the SCL is reported to be 10-16-09 in Credit Bureau Records.

OBSERVATIONS:

It would appear that the Synon on the SCL is identical with the Synon of the Fundamental American Freedoms, Inc., and the Synon reflected in FBI No. 1035295. However, this identity cannot be positively asserted until fingerprints are received from the Synon inquired about by Metcalf. ✓ Synon apparently had an unstable career up to World War II, after which he has developed into an outspoken proponent of the generally accepted conservative viewpoint. This position is apparently opposed to the views of Senator Metcalf.

RECOMMENDATION:

That someone from your (Mr. DeLoach's) office make the appropriate contact with Senator Metcalf or his administrative assistant, and advise him that without fingerprints it is not possible to tell whether we have an arrest record for Synon.

TRUE COPY

Wednesday, March 11, 1964
[redacted]

J. Edgar Hoover
Director of the F.B.I.
Washington D. C.

Dear sir:

Is the "Coordinating Committee for Fundamental American
Freedoms, Inc." a Communist Front Organization? I support its apparent
intent but do not wish to be used as a dupe by a Communist conspiracy.

Sincerely yours
[redacted]

b6
b7C
[signature]

Address per: envelope:
[redacted]

REC-11

62-109151-3

MAR 24 1964

ST-119

*ITC 3-23-64
ack 3-23-64
Sawfme
mord
me*

Don Saw

REC-11

62-109151-3

March 23, 1964

ST-119



Dear



Your letter of March 17th has been received.

In response to your inquiry, I would like to advise that information contained in the files of the FBI is confidential and available only for official use pursuant to regulations of the Department of Justice. I hope you will not infer either that we do or do not have data in our files regarding the Coordinating Committee for Fundamental American Freedoms, Inc.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

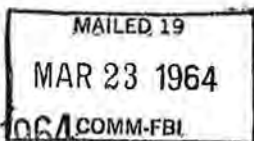
2/635

DEM
PAC

NOTE: Correspondent is not identifiable in Bufiles. The Bureau has not conducted an investigation regarding the Coordinating Committee for Fundamental American Freedoms, Inc. Senator Metcalf of Montana recently stated on the floor of the Senate that this group sponsored an Advertisement which purported to be an analysis of the Civil Rights Bill of 1963 and that it made such broad charges and obvious distortions relative to the pending legislation that he had asked the Department for comments and analysis.

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

SAW:mc
(3)



MAR 23 1964

F.B.I.
RECEIVED-DIRECTOR

58 APR 1 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

TRUE COPY

3-18-64

3-1
4-1

Dear Sirs:

I am aware of the fact that you cannot openly commit yourselves on many issues nor is it your responsibility to do so.

Moreover, I realize that you are plagued with vague, impossible requests such as this one might well be.

du

In view of the above I shall accept any treatment you might give to the following request:

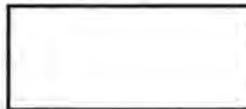
① Coordinating Committee for Fundamental American Freedoms, Inc.
Can you furnish me with any information concerning the organization known as the Fundamental American Freedoms, Inc.?

Wash. DC. B

This organ. has quite a following in this area and they speak loudly and fairly intelligently. And they are constantly attacking our Government. I am certain that they are doing this unwittingly. Perhaps the greatest source of perturbation lies in the fact that I am so ill-informed.

Can you inform me?

Sincerely,



b6
b7C

See attached
17C 3-24-64
ack 3-25-64
SAW/mc
mmf
mc

EX-105

REC-20

MCT-43

62-10915-1-4

MAR 26 1964

See Bld



Invoice
No.

Town:

State:

Filled by

Shipping Instructions:

PARCEL POST: ☐ **EXPRESS:** ☐ or

SPECIAL ORDERING INSTRUCTIONS:

1. ORDER IN SHIPPING UNITS AS SHOWN ON YOUR REQUISITION.
2. USE A SEPARATE SHEET FOR EACH DEPARTMENT.
3. ORDER IN STOCK NUMBER SEQUENCE.
4. USE A SEPARATE SHEET FOR PARTS ORDERS AND DIRECT FACTORY SHIPMENTS.

[illegible]

If any printed requisitions are needed, check below.

- ☐ AUTOMOTIVE ☐ HOUSEWARES AND HOME FURNISHINGS ☐ PLUMBING AND HEATING ☐ STORE FIXTURES
☐ HARDWARE ☐ ELECTRICAL AND HOME APPLIANCE
☐ SPORTING GOODS ☐ PAINT AND PAINT SUNDRIES

Store Owner

REC-20

EX-103

62-109151-4

March 25, 1964

b6
b7C

REC'D-READING ROOM
FBI
MAR 25 4 33 PM '64

[Redacted]

Dear [Redacted]

Your letter of March 18th has been received.

In response to your inquiry regarding the Fundamental American Freedoms, Inc., I must point out that the FBI is strictly an investigative agency of the Department of Justice and, as such, does not furnish evaluations or comments relative to the character or integrity of any individual, organization or publication. I hope you will not infer from my inability to be of assistance either that we do or do not have data regarding this group in our files.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

den
1/6

NOTE: Correspondent is not identifiable in Bufiles. The Bureau has not conducted an investigation regarding the Coordinating Committee for Fundamental American Freedoms. Senator Metcalf of Montana recently stated on the floor of the Senate that this group sponsored an advertisement which purported to be an analysis of the Civil Rights Bill of 1963 and that it made such broad charges and obvious distortions relative to the pending legislation that he had asked the Department for comments and analysis.

- Tolson _____
- Belmont _____
- Mohr _____
- Casper _____
- Callahan _____
- Conrad _____
- DeLoach _____
- Evans _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

SAW:mc
(3) *mc*

158 *158*

MAILED 19
MAR 25 1964
COMM-FBI

MAR 22 4 25 PM '64

RECEIVED DIRECTOR
MAR 25 1964

Handwritten signature/initials

SAW

MAIL ROOM ☐ TELETYPE UNIT ☐

Potomac County Veterans Service Office

Stevens Point, Wisconsin 54481

April 1, 1964

Inspector Kemper
Justice Department
Room 5640
9th and Penn
Washington, D. C.

*Co-ordinating Committee
For Fundamental American
Freedom*

Dear Inspector Kemper:

Enclosed is a full-page advertisement which appeared in our local newspaper and which I feel would be of interest to you.

b6
b7c

I have already written to Senator William Proxmire on this matter asking for his comments, so I can be in a better position to answer any questions raised at veterans' meetings.

From the article I would be inclined to feel that "Fundamental American Freedoms, Inc." is not an organization with the best interests of the people at heart.

I would appreciate any comments you have on the enclosed article.

I thank you for your kind consideration in this matter.

Very truly yours,

VETERANS SERVICE OFFICER

REC-105

62-109151-5

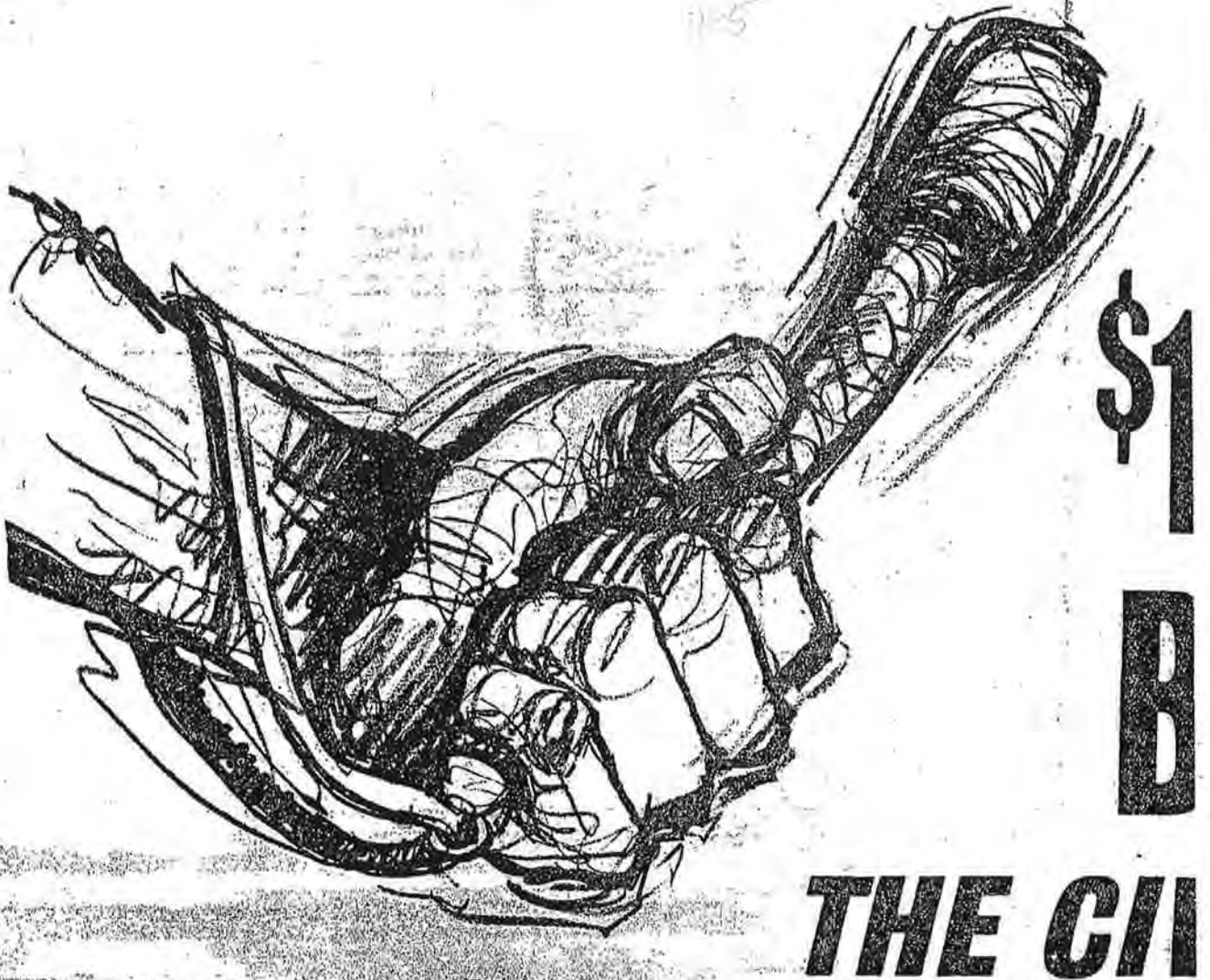
10 APR 8 1964

ENCLOSURE
ENCLOSURE ATTACHED

Ackn 4/7/64

8 DP

P7



THE BILL IS NOT A "MODERATE BEEN "WATERED DOWN." IT CONSTI FOR EXECUTIVE POWER CONCEIV

Within The Coverage Of This Bill
Federal Inspectors Would Dictate To*

INDIVIDUALS:

As to

1. Seniority in private employment.
2. Seniority in civil service.
3. Preferential advance of minorities.
4. Social Security.
5. Veterans' and Welfare benefits.
6. Employee facilities.

FARMERS:

As to

THE SOCIALISTS' OMNIBUS BILL OF 1963

The American people are being set up for a blow that would destroy their right.

What is being piously presented as a humane effort to redress past wrongs—

even the least of us, black and white alike, subject to the whim and caprice of g
Unless American workers, farmers, business and professional men, teacher
controls will reach into our homes, jobs, businesses, and schools, into our local an
ments.

\$100 BILLION BLACKJACK

You should know, through this bill you are to be struck by a \$100 Billion Black
to be used as a weapon against you.



\$100 BILLION BLACKJACK

THE CIVIL RIGHTS BILL

**"MODERATE" BILL AND IT HAS NOT
IT CONSTITUTES THE GREATEST GRASP
CONCEIVED IN THE 20th CENTURY**

US BILL OF 1963 NOW BEFORE THE SENATE

that would destroy their right to determine for themselves how they will live, effort to redress past wrongs—the "Civil Rights" bill—is, in fact, a cynical design to make t to the whim and caprice of government bureaucrats, and professional men, teachers, homeowners, every citizen awakens now, harsh Federal , and schools, into our local and State elections, and into our municipal and State govern-

K struck by a \$100 Billion Blackjack—almost the total Federal budget. Your tax money is

Within The Coverage Of This Bill
Federal Inspectors Would Dictate To *

SCHOOLS AND COLLEGES:

- As to
1. Handling of pupils.
 2. Employment of faculties.
 3. Occupancy of dormitories.
 4. Use of facilities.

TEACHERS:

- As to
1. Their employment, discharge and promotion

by a \$100 Billion Blackjack—almost the total Federal budget. Your tax money is

of them) that deals with financing so that each Federal department or agency could
d funds: Each Federal department or agency would *define for itself* what is "discrim-
-602).

s—through the use of the blacklist, cancellation of contracts, foreclosure, and other
year to force our people to knuckle under to Executive dictation (Secs. 601-602).

d
(Titles I, II, III, IV, and VII).

essions and to imprison those who disclose, without permission, what went on behind

employment without Federal interference as to race or religion—it would deny this

note and demote without Federal interference as to race or religion—it would deny

nd to colleges the right to determine, unhampered by the Federal government, how
ndled—it would deny this right (Titles IV, VI and VII).

without Federal interference

I);
and other recreational facilities (Title II);
cture houses, stadiums, etc. (Title III); and
VI and VII).

CRIMINATION''

d:
etermine for itself what is and what is not "discrimination" (Titles V, VI, and VII)—

determine for itself what is and what is not "race" and "religion" (Titles IV, V, VI
r word.

ion. What might be classified as a "discriminatory practice" by one agency, might

e Omnipotent President or his appointees to rule, thumbs up, thumbs down. Some-

ill—misnamed the Civil Rights Bill—those who enjoy political favor may expect
the United States Senate: It would establish the Rule of Man and abolish the Rule

lary, each an attorney and each an expert in this sort of legislation, have said: "The
n 'watered down'. It constitutes the greatest grasp for executive power conceived in

rite your Senators, both of them. Write them, now, today, and tell them you oppose

ed, write your Senators, now, and tell them so.

Tear sheets of this ad, suitable for repro-
duction in other newspapers, may be had
upon request.

ORDINATING COMMITTEE FOR

AMERICAN FREEDOMS, INC.

ST., N.E., WASHINGTON, D.C.

BATTERFIELD, SECRETARY, Yazoo City, Mississippi • JOHN J. SYNON, DIRECTOR, Washington, D.C.

TEACHERS:

As to

1. Their employment, discharge and promotion.
2. Preferential treatment of minorities.
3. Compensation, terms, and conditions of their employment.

HOSPITALS:

As to

1. Medical and nursing staffs.
2. Technical, clerical and other employees.
3. Patients' beds and operating rooms.
4. Facilities and accommodations.

HOTELS, MOTELS AND RESTAURANTS:

As to

1. Rental of rooms.
2. Service of customers.
3. Hiring, firing and promotion of employees.

STATES AND MUNICIPALITIES:

As to

1. State FEPC acts.
2. State Labor laws.
3. Handling of public facilities.
4. Supervision of private facilities.
5. Judges and Law Enforcement Officers.
6. Handling of elections.

DICTATORIAL ATTORNEY GENERAL

This bill would make the Attorney General a virtual dictator of America's manners and morals. It would grant him unprecedented authority to file suits against property owners, plain citizens and State and local officials, even though the supposed grievant has not filed suit. The Attorney General would become the grievant's lawyer at the taxpayers' expense. The bill grants to the Attorney General—

(1) The unprecedented power to shop around for a judge he prefers to hear a voting suit (Title I).

(2) The right to sue an owner of public accommodations *before* the owner is accused of a "discriminatory practice" (Title II).

(3) To sue State or local officials concerning public facilities, without an individual having filed suit (Title III).

(4) To sue local school boards, although no suit has been filed by any school child or other person (Title IV).

Last fall, when broad authority to sue in Civil Rights matters was first proposed, the Attorney General said: "Obviously the proposal injects Federal executive authority into some areas which are not its legitimate concern and vests the Attorney General with broad discretion in matters of great political and social concern." This bill falls within that condemnation.

* The outlines appearing affect those persons who fall within the categories to the extent described in the 10 bills ("Titles") embodied in this package of legislation, subject to minor exceptions. Detailed analysis may be obtained from this committee.

62-109151-5

April 7, 1964

REC-105

Portage County Veterans Service Officer
Stevens Point, Wisconsin 54481

Dear [redacted]

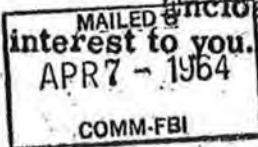
I read your letter of April 1st, with enclosure,
addressed to Inspector Edward C. Kemper, Jr.

With respect to your inquiry, this Bureau is
not in a position to comment along the lines you have suggested.
Information contained in our files must be maintained as confiden-
tial in accordance with the regulations of the Department of Justice
and is available for official use only. I regret I am unable to be
of help in this instance and trust you will not infer either that we
do or do not have data in our files relating to the organization
you mentioned.

APR 7 4 34 PM '64
REC'D-READING ROOM
FBI

b6
b7c

Enclosed is some literature which I hope will
be of interest to you.



Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

Enclosures (4)
Let's Fight Communism Sanely!
4/1/61 Law Enforcement Bulletin
4/17/62 Internal Security
Faith in Freedom

1 - Mr. Kemper - Enclosure
DTP:fcl

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Gandy _____

68 APR 15 1964

MAIL ROOM ☐ TELETYPE UNIT ☐

See NOTE and initials next page.

[REDACTED]

b6
b7C

NOTE: Correspondent is not identifiable in Bufiles. The Coordinating Committee for Fundamental American Freedoms has come to our attention as an organization attempting to defeat the proposed civil rights legislation by distributing printed material in key states and by pressuring Congress from its headquarters in Washington. The Bureau has not investigated this group; however, due to the issues involved and since persons such as [REDACTED] and Senator Keating of New York have mentioned the activities of this group, the above answer is deemed appropriate. The officers of this group are on the Special Correspondents' List. Correspondent wanted to meet the Director during 3/1-3/64 however, it was recommended and approved that he talk to someone in Mr. DeLoach's office and be offered a tour of the Bureau. At that time, he was not identifiable in Bufiles.

HE CAME IN ON 3-2-64 AND
TALKED TO KEMPER. REGRETS
WERE EXPRESSED.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 7 1964

WESTERN UNION

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

BIA020 1232P EDT MAY 7 64 AA104 KB046

K TKA066 PD 2 EXTRA VALLEY FALLS KANS 7 1015A CST

J EDGAR HOOVER

WASH DC

REPLY URGENT BY MONDAY WHAT IS PATRIOTIC STANDING OF FUNDAMENTAL

AMERICAN FREEDOMS INC 301 FIRST ST NORTHEAST WASHINGTON DC

[Redacted]

VINDICATOR VALLEY FALLS KANS

b6
b7C

cc: Mr. DeLoach

REC-19

62-109151-6

MAY 1 1 02 PM '64

EX-103

MAY 14 1964

MR. MOHR FOR THE DIRECTOR

FBI

ack
58-64
DTP/ma

58-64

88

PLAINTEXT

5-8-64

TELEGRAM

REC-19

DEFERRED

62-109151-6

MAY 8 2 26 PM '64

FBI READING ROOM

B I

b6
b7C

WITH RESPECT TO YOUR TELEGRAM OF MAY SEVEN, INFORMATION IN FBI FILES MUST BE MAINTAINED AS CONFIDENTIAL PURSUANT TO JUSTICE DEPARTMENT REGULATIONS AND IS FOR OFFICIAL USE ONLY. I REGRET I AM UNABLE TO BE OF HELP IN THIS INSTANCE AND HOPE YOU WILL NOT INFER EITHER THAT WE DO OR DO NOT HAVE DATA IN OUR FILES CONCERNING FUNDAMENTAL AMERICAN FREEDOMS, INC.

JOHN EDGAR HOOVER, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION

AP

NOTE: Correspondent and "Vindicator" are not identifiable in Bufiles. The Coordinating Committee for Fundamental American Freedoms has come to our attention as an organization attempting to defeat the proposed civil rights legislation by distributing printed material in key states and by pressuring Congress from its headquarters in Washington. The Bureau has not investigated this group; however, due to the issues involved and since persons such as [redacted] and Senator Keating of New York have mentioned the activities of this group, the above answer is deemed appropriate. The officers of this group are on the Special Correspondents' List.

DTP:mlk (3)

mlk

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

WCS/mn

Keyser

don
file

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION
MAY 8 1964

WESTERN UNION

RECEIVED-DELEGATION

INITIALED
DIRECTOR'S OFFICE

61 MAY 21 1964
MAIL ROOM ☐ TELETYPE UNIT ☐

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 8 1964

WESTERN UNION

K W BIA019 DL GOVT PD

WUX BI WASHINGTON DC 8 527PM EDST



b6
b7C

WITH RESPECT TO YOUR TELEGRAM OF MAY SEVEN, INFORMATION IN FBI FILES MUST BE MAINTAINED AS CONFIDENTIAL PURSUANT TO JUSTICE DEPARTMENT REGULATIONS AND IS FOR OFFICIAL USE ONLY. I REGRET I AM UNABLE TO BE OF HELP IN THIS INSTANCE AND HOPE YOU WILL NOT INFER EITHER THAT WE DO OR DO NOT HAVE DATA IN OUR FILES CONCERNING FUNDAMENTAL AMERICAN FREEDOMS, INC.

JOHN EDGAR HOOVER, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION.

Mississippi State Funds Used

\$319,000 Spent Fighting Rights BillBy JOHN V. WILSON
Scripps-Howard Staff Writer

A powerful, Southern-financed lobbying outfit already has spent more than \$319,000 fighting the civil rights bill.

The outpouring of money by the Co-ordinating Committee for Fundamental American Freedoms, Inc., is disclosed in quarterly lobbying reports filed with Congress.

Between last July, when the committee was organized, and March 31, the outfit received contributions totaling \$325,829 and spent \$319,354.

Since then, the committee has stepped up its opposition to the bill, particularly in the Indiana and Maryland Presidential primaries in support of Alabama Gov. George C. Wallace.

How much the committee is spending during this period will be shown in the report due in July.

According to the quarterly re-

ports, the committee has been financed largely by the Mississippi Sovereignty Commission using that state's public funds.

The tax-supported state agency, created by the Mississippi Legislature, kicked in \$242,581 for the committee's war chest.

CONNECTICUT

Other major contributors have been organizations and individuals in Mississippi, Florida, South Carolina, Louisiana and Connecticut.

The committee has received less than \$50,000 in gifts from under-\$500 contributors, the lobbying reports indicated.

Most of the money has been spent for newspaper advertising and literature attacking the legislation.

More than \$105,000 has been funneled thru Advertising Associates of Richmond, Va., for newspaper advertising.

The Connecticut contributor,

John G. Talcott, Jr., of Talcottville, sent \$6300 to the advertising firm, the latest quarterly report showed.

During the January-thru-March period, the committee operated on a \$4000-a-month payroll from the Carroll Arms Hotel here, which overlooks the Senate office buildings.

SALARY

The committee's staff director, John J. Synon, a Richmond, Va., public relations man, is paid \$500 a week and expenses of almost \$500 a month.

The committee's secretary-treasurer, John C. Satterfield of Yazoo City, Miss., former American Bar Association president, was paid \$4000 plus expenses of \$1756 during the first three months this year.

Washington attorney George Stephen Leonard has received \$3950 in fees and another \$1056 for expenses from the committee.

In addition, the committee paid Wilford J. Ritz of Washington & Lee University \$3353 for legal research and the Washington law firm of McNutt, Dudley & Easterwood a \$500 legal fee.

CONTRIBUTORS

Major contributors during the first quarter of the year included the Mississippi Committee for Fundamental American Freedoms, \$19,611; Florida Constitutional Committee, \$3558; Wayne Freeman, Greenville, S. C., \$2370, and Jackson (Miss.) Real Estate Board, \$1000.

During the most recent quarter, the committee hit a spending peak of \$191,528. Last year, it spent \$127,826.

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach _____
Evans _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele Room _____
Holmes _____
Gandy _____

b6
b7c

Photo

CC TO *Sci. 7-48-65*
REQ. REC'D. *7-28-65*

JAN 21 1965

ANS. BY: *J.P. Jan...*

File

6-109151-A

REC-53

JUN 11 1964

NOT RECORDED
46 JUN 3 1964

he Washington Post and Times Herald _____
he Washington Daily News *5/29/64* _____
he Evening Star _____
ew York Herald Tribune _____
ew York Journal-American _____
ew York Mirror _____
ew York Daily News _____
ew York Post _____
he New York Times _____
he Worker _____
he New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

Tolson

Belmont

Mohr

DeLoach

Casper

Callahan

Conrad

Evans

Gale

Rosen

Sullivan

Tavel

Trotter

Tele Room

Holmes

Gandy

62-109151

Anti-Civil Rights Lobby Rated 4th in Spending

Congressional Quarterly

Three of the top 12 lobby spenders in 1963 were newly organized for the sole purpose of passing or defeating a particular piece of legislation. Ultimately successful in their efforts to pass legislation were the tax-reduction group and the test-ban committee; the anti-civil rights group failed.

Representing an undetermined number of individuals "who want to take a stand and oppose the civil rights bill," the Coordinating Committee for Fundamental American Freedoms reported spending \$127,826 in 1963, placing it fourth among lobby groups reporting their expenses.

The Committee contended that the bill was "unconstitutional and discriminatory" and "an aggrandizement of Federal power at the expense of the state and local governments." After the bill was enacted this year, the Committee disbanded.

The third highest of the 12 top spenders in 1963 was the Business Committee for Tax Reduction in 1963. The Committee spent \$141,785. Its sole purpose was to lobby for the \$11.5-billion tax cut eventually passed early this year.

The Citizens Committee for a Nuclear Test Ban, the third major group formed in 1963 to work specifically on a single piece of legislation, spent \$61,240. The Committee's sole purpose was to help

win Senate ratification of the 1963 limited nuclear test-ban treaty, which was ratified Oct. 8, 1963. Following an extensive literature campaign on a national scale, the Citizens Committee disbanded once Senate ratification was achieved.

Among the various types of organizations which reported spending in 1963, the business category with 153 organizations spent the most—\$1,521,600. Although the citizens group contained the second highest number of organizations, 51, they spent only \$707,333.

The employee and labor category, with only 36 organizations, spent \$1,130,124.

The statistics on spending were compiled from the lobby spending reports which must be filed under the 1946 Federal Regulation of Lobby Act. Over-all, \$4,191,482 was spent for lobbying in 1963—slightly less than the \$4.21 million reported in 1962.

Of the 286 groups that filed spending reports, eight listed expenditures of more than \$100,000.

The highest outlay was reported by the United Federation of Postal Clerks (AFL-CIO), \$202,996, the highest yearly spending figure reported by any group since 1953. Its chief legislative success was the Federal pay raise bill.

The pay raise also was a major goal of three other top spenders: \$93,963 by the In-

ternational Assn. of Machinists, District Lodge No. 44 (AFL-CIO), tenth highest spender; \$62,262 by the National Assn. of Letter Carriers (AFL-CIO), 16th highest spender; and \$57,300 by the National Postal Union, 19th highest spender.

Other leading spenders:

AFL-CIO (national headquarters), second with \$145,635; National Farmers Union, fifth with \$123,345; American Farm Bureau Federation, sixth with \$118,284; American Legion, seventh with \$117,274; and the Committee for Study of Revenue Bond Financing, eighth with \$111,449.

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The Washington Post and Times Herald

The Washington Daily News

The Evening Star

New York Herald Tribune

New York Journal-American

New York Mirror

New York Daily News

New York Post

The New York Times

The Worker

The New Leader

The Wall Street Journal

The National Observer

People's World

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